



भारत का राजपत्र

The Gazette of India

प्रामाणिक एवं प्रकाशित
PUBLISHED BY AUTHORITY

सं. 15]

नई दिल्ली, शनिवार, अप्रैल 15, 1995/चैत्र 25, 1917

No. 15]

NEW DELHI, SATURDAY, APRIL 15, 1995/CHAITRA 25, 1917

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II)
PART II—Section 3—Sub-section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांख्यिक आदेश और अधिसूचनाएं
Mandatory Orders and Notifications issued by the Ministries of the Government
of India (other than the Ministry of Defence)

आयकर आयुक्त का कार्यालय

अनुसूची

अधिसूचना संख्या 04/94-95

कलकत्ता 7 अक्टूबर, 1994

क्रम संख्या प्रभार का नाम	क्षेत्राधिकार
(1)	(2)
(3)	

का.आ. 984 इस कार्यालय द्वारा जारी किये
पिछले सभी आदेशों का अधिकरण करने हुए
तथा आयकर अधिनियम, 1961, धारा 120 की उपधारा
(1) तथा उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग
करते हुए मैं आयकर आयुक्त, पश्चिम बंगाल-X कलकत्ता
एतद्वारा निदेश देता हूं कि नीचे दिए गए अनुसूची
के कॉलम 2 में बताए गए आयकर अधिकारियों, अन्य सभी
निर्धारण अधिकारियों को छोड़कर उक्त अनुसूची के तत्समान
कालम 3 में दिए गए व्यक्तियों अथवा व्यक्तियों का वर्ग
अथवा आय अथवा आय का वर्ग अथवा क्षेत्र के संबंध में
निर्धारण अधिकारी कार्य 1-11-94 से करेंगे।

1. घा. क. अ., वाई-1, (क) सभी कंपनी मामले
दुगली (ख) सभी शोतागार मामले
(ग) दुगली सदन के सब डिप्टी
जन के अंतर्गत सभी नये
मामले
(घ) इस आदेश की
तारीख तक सभी विद्य-
मान मामले
(ङ) टी डी एस कक्ष दुगली

(1) (2) (3)

2. आ.क. प्र. वार्ड -2, हुगली (क) आरामबाग सब-डिवीजन के अंतर्गत सब नए मामले
(ख) इस आदेश की तारीख तक सभी विद्यमान मामले ।
3. आ.क. प्र. वार्ड-3 हुगली (क) आयकर कार्यालय हुगली के क्षेत्राधिकार के अंतर्गत सभी वेतन मामले
(ख) चंदन नगर सब डिवीजन के अंतर्गत सभी नए मामले
(ग) इस आदेश की तारीख तक के सभी विद्यमान मामले ।
4. आ. क. प्र., वार्ड-4 हुगली (क) श्री रामपुर सब-डिवीजन के अंतर्गत सभी नए मामले
(ख) इस आदेश की तारीख तक सब नए मामले ।
5. आ. क. प्र. वार्ड 1 मिदनापुर (क) सभी कंपनी मामले
(ख) सभी शीतागार मामले
(ग) मिदनापुर सदर दक्षिण घाटल तथा झाड़ग्राम सब डिवीजन के अंतर्गत सभी नए मामले
(घ) इस आदेश की तारीख तक के सभी विद्यमान मामले
(ङ) टी डी एस कक्ष मिदनापुर
6. आ.क. प्र. वार्ड-2, मिदनापुर (क) इस आदेशानुसार आ. क. प्र., वार्ड-1 मिदनापुर को विनिश्चित रूप से सीपा गया मामलों के अलावा आयकर कार्यालय मिदनापुर के क्षेत्राधिकार के अंतर्गत सभी नए मामले
(ख) इस आदेश की तारीख तक सभी नए मामले ।

Office of the Commissioner of Income-Tax

NOTIFICATION NO. 04/94-95

Calcutta, the 7th October, 1994

S. O. 984.—In supersession of all earlier orders issued by this office and in exercise of the powers conferred by Sub-Section (1) and Sub-Section (2) of Section 120 of the I.T. Act, 1961, I, The Commissioner of Income-tax, West Bengal-XI, Calcutta, hereby direct that the Income-tax Officer mentioned in Col. 2 of the Schedule below, shall to the exclusion of all other Assessing Officers perform the function of Assessing Officers in respect of the persons or classes of persons, or of the income or classes of income or of the area as mentioned in the corresponding Col. 3 in the said Schedule with effect from 01-11-1994.

SCHEDULE

Sl. No.	Name of the Charge	Jurisdiction
(1)	(2)	(3)
1.	I.T.O., Ward-1, Hooghly	(a) All Company cases. (b) All Cold Storage cases. (c) All New cases under the Sub-division of Hooghly/Sadar. (d) All existing cases as on the date of this order. (e) T.D.S. Cell Hooghly.
2.	I.T.O., Ward-2, Hooghly	(a) All new cases under the Sub-division of Arambagh. (b) All existing cases as on the date of this order.
3.	I.T.O., Ward-3, Hooghly	(a) All salary cases under the jurisdiction of Income-tax Office, Hooghly (b) All new cases under the Sub-division of Chandannagar. (c) All existing cases as on the date of this order.
4.	I.T.O., Ward-4, Hooghly	(a) All new cases under the Sub-division of Serampore. (b) All existing cases as on the date of this order.

[सं. मुख्य-XI/क्षेत्र (पुनर्गठन) (94-95)]

पो. आर. रे. आयकर आयुक्त,

(1)	(2)	(3)
5. I.T.O., Ward-1, Midnapore	(a) All Compny cases. (b) All Cold Storage cases. (c) All new cases under the Sub-division of Midnapore Sadar South, Ghatal and Jhargram. (d) All existing cases as on the date of this order. (e) T.D.S. Cell, Midnapore.	
6. I.T.O., Ward-2, Midnapore	(a) All new cases under the jurisdiction of Income-tax Office, Midnapore except those specifically assigned to I.T.O., Ward-1, Midnapore in this order. (b) All existing cases as on the date of this order.	

[No. HQ-XI/Jur. (Re-Org.)/94:95]

P. R. RAY, Commissioner of Income-tax.

अधिसूचना संख्या. 7/94-95

कलकत्ता, 25 जनवरी, 1995

का. भा. 985.—अधिसूचना संख्या 06/94-95 दिनांक 23-11-94 को एतद्वारा निम्न प्रकार संशोधित किया जाता है।

“उक्त अधिसूचना के अनुसूची-1 में आयकर अधिकारी वार्ड-1 वर्धमान सम्मिलित है।”

यह अधिसूचना 25-01-95 से लागू होगी।

[संख्या मुख्या-XI/न्या/(रि-आर्ग) 94—95]

पी. आर. राय, आयकर आयुक्त

NOTIFICATION NO. 7/94—95

Calcutta, the 25th January, 1995

S.O. 985.—Notification No. 06/94-95 dated 23-11-1994 is hereby modified as under :—

“Schedule-I of the said Notification includes Income-tax Officer, Ward-I, Burdwan.”

This Notification will take effect from 25-01-1995.

[No. HQ-XI/Jur. (Re-org.)/94-95]

P. R. RAY, Commissioner of Income-tax.

अधिसूचना संख्या 8/94-95

कलकत्ता 25 जनवरी, 1995

का. भा. 986.—अधिसूचना संख्या 04/94-95 दिनांक 7-10-94 दिनांक 07-10-94 को एतद्वारा निम्न प्रकार संशोधन किया जाता है।

“आयकर अधिकारी, वार्ड-2 मिदनापुर से संबंधित स्तम्भ 3 में सभी वेतन मामले जो कि आयकर कार्यालय मिदना पुर के क्षेत्राधिकार में है सम्मिलित है।

यह अधिसूचना 01-11-94 से लागू होगी

[संख्या मुख्या-XI/क्षेत्रा (रि-आर्ग) 94-95]

पी. आर. राय,
आयकर आयुक्त

NOTIFICATION NO. 8/94—95

Calcutta, the 25th January, 1995

S.O. 986.—Notification No. 04/94-95 dated 07-10-1994 dated 07-10-1994 is hereby modified as under :—

“Col. No. 3 in respect of Income-tax Officer, Ward—2, Midnapore includes all salary cases under the jurisdiction of Income-tax Office Midnapore.”

This Notification took effect from 01-11-1994.

[No. HQ-XI/Jur. (Re-org.)/94-95]

P. R. RAY, Commissioner of Income-tax.

कलकत्ता 10 मार्च, 1995

का. भा. 987.—आयकर आयुक्त पश्चिम बंगाल-7 कलकत्ता के क्षेत्राधिकार के अधीन आयकर उपायुक्त, रेंज-6, कलकत्ता के रेंज में, निम्नलिखित आयकर अधिकारी, कलकत्ता का नया प्रभार, दिनांक 8 मार्च, 1995 से कलकत्ता में स्थित मुख्यालय में सृजित किया जाता है।

प्रभार

आयकर अधिकारी, वार्ड 6(14) कलकत्ता।

[संख्या स. भा. भा./मुख्यालय/प्लानिंग 10/94-95/
8919—9718)]

के. पी. सिंह, मुख्य आयकर आयुक्त

Calcutta, the 10th March, 1995

S.O. 987.—The following new charge of the Income-tax Officer, Calcutta, in the Range of Deputy Commissioner of Income-tax, Range-6, Calcutta, within the jurisdiction of Commissioner of Income-tax, West Bengal-VII, Calcutta, is created with effect from 8th March, 1995, with its Headquarter at Calcutta.

CHARGE

I.T.O., Ward-6(14), Calcutta.

[No. AC/HQ/Planning/10/94-95/8919-9718]

K. P. SINGH, Chief Commissioner of Income-tax.

वित्त मंत्रालय
(राजस्व विभाग)

नई दिल्ली, 15 फरवरी, 1995

(आयकर)

का०आ० 988.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "सदर अन्जुमान अहमदिया, कादियान, पंजाब" को कर-निर्धारण वर्ष 1994-95 से 1996-97 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में भ्रम से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं० 9706 /फा०सं० 197/31/94-आ०कर०

नि०-1]

साधना शंकर, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 15th February, 1995

(INCOME-TAX)

S.O. 988.—In exercise of the powers conferred by sub-clause (v) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sadr Anjuman Ahmadiyya, Qadian, Punjab" for the purpose of the said sub-clause for the assessment years 1994-95 to 1996-97 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9706/F. No. 197/31/94 ITA-I]
SADHNA SHANKER, Under Secy.

नई दिल्ली, 15 फरवरी, 1995

आयकर

का०आ० 989.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "स्वर्गाश्रम ट्रस्ट, ऋषिकेश, उत्तर प्रदेश" को कर-निर्धारण वर्ष 1990-91 से 1992-93 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा, अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में भ्रम से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं० 9700/फा०सं० 197/102/93-आयकर

नि०-1]

साधना शंकर, अवर सचिव

New Delhi, the 15th February, 1995

(INCOME-TAX)

S.O. 989.—In exercise of the powers conferred by sub-clause (v) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Swargashram Trust, Rishikesh, Uttar Pradesh" for the purpose of the said sub-clause for the assessment years 1990-91 to 1992-93 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9700/F. No. 197/102/93-ITA-I]
SADHNA SHANKER, Under Secy.

नई दिल्ली, 15 फरवरी, 1995

भ्रायकर

कां.प्रा. 990.—भ्रायकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री श्री ठाकुर रामचन्द्र देव एसोसिएशन, नई दिल्ली" को कर-निर्धारण वर्ष 1993-94 से 1995-96 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की

प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में भ्रम से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं० 9702/का०सं० 197/117/94-भ्रायकर
नि०-I]

साधना शंकर, भ्रवर सचिव

New Delhi, the 15th February, 1995

(INCOME-TAX)

S.O. 990.—In exercise of the powers conferred by sub-clause (v) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shri Shri Thakur Ramchandra Dev Association, New Delhi" for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainments of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9702/F. No. 197/117/04-ITA-I]
SADHNA SHANKER, Under Secy.

नई दिल्ली, 15 फरवरी, 1995

(भ्रायकर)

कां.प्रा. 991.—भ्रायकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री श्री ठाकुर रामचन्द्र देव एसोसिएशन, नई दिल्ली" को कर-निर्धारण वर्ष 1993-94 से 1995-96 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया अथवा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जवर-जवाहिरात) फर्नीचर आदि के रूप में प्राप्त

तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं० 9705/का० सं० 197/134/94—आयकर नि० I]

साधना शंकर, अवर सचिव

New Delhi, the 15th February, 1995

(INCOME-TAX)

S.O. 991.—In exercise of the powers conferred by sub-clause (v) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sheth Goculdas Tejpal Charities, Bombay" for the purposes of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9705/F. No. 197/134/94-ITA-I]

SADHNA SHANKER, Under Secy.

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 15 फरवरी, 1995

(आयकर)

का०आ० 992.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दि टेम्पलस, चेस्टेबल इंस्टीट्यूशंस एंड फंड्स आफ दि गौड़ सारस्वत ब्राह्मण कम्युनिटी आफ बंबई, बम्बई" को कर-निर्धारण वर्ष 1993-94 से 1995-96 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका

संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं० 9704/का० सं० 197/160/94—आयकर नि० I]

साधना शंकर, अवर सचिव

New Delhi, the 15th February, 1995

(INCOME-TAX)

S.O. 992.—In exercise of the powers conferred by sub-clause (v) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Temples, Charitable Institutions and Funds of the Goud Saraswat Brahmin Community of Bombay, Bombay" for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 970/F. No. 197/160/94-ITA-I]

SADHNA SHANKER, Under Secy.

(राजस्व विभाग)

नई दिल्ली, 21 मार्च, 1995

(आयकर)

का.आ. 993.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “इंडियन इंस्टीट्यूट ऑफ इंडस्ट्रियल इंजीनियरिंग, बंबई” को कर निर्धारण वर्ष 1994-95 से 1996-97 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन इस प्रकार के संचयन हेतु उक्त खंड (23) द्वारा यथा-संशोधित धारा 11 की उपधारा (2) तथा (3) के उपबंधों के अनुरूप पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, जिसे उपर्युक्त खंड (23) के तीसरे परंतुक के अधीन बोर्ड द्वारा अधिसूचित किया जाए, के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) कर-निर्धारिती अपने सदस्यों को किसी भी तरीके से अपनी आय के किसी भाग का संचितरण अपने से संबद्ध किसी एसोसिएशन अथवा संस्था को अनुदान के अन्दाज नहीं करेगा; और
- (iv) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हों जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9724/फा. सं. 196/4/94-आयकर नि.-I]
सानघा शंकर, अवर सचिव

(Department of Revenue)

New Delhi, the 21st March, 1995

(INCOME-TAX)

S.O. 993.—In exercise of the powers conferred by clause (23A) of Section 10 of the Income-tax

Act, 1961 (43 of 1961), the Central Government hereby notifies the “Indian Institute of Industrial Engineering, Bombay” for the purpose of the said clause for assessment years 1994-95 to 1996-97 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate it for application, in consonance with the provisions of sub-section (2) and (3) of section 11 as modified by the said clause (23) for such accumulation wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture or any other article as may be notified by the Board under the third provision to the aforesaid clause (23) for any period during the previous year(s) relevant to the assessment year(s) mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) the assessee will not distribute any part of its income in any manner to its members except as grants to any association or institution affiliated to it; and
- (iv) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9724/F. No. 196/4/94-ITA-I]

SADHNA SHANKER, Under Secy.

नई दिल्ली, 21 मार्च, 1995

(आयकर)

का. आ. 994.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “एसोसिएशन आफ स्टेट रोड ट्रांसपोर्ट अंडरटेकिंग, नई दिल्ली” को कर निर्धारण वर्ष 1990-91 और 1991-92 के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक

ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंशदान में भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा :

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिणी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9726/फा. सं. 197/4/95-आ. क. नि.-I]]

साधना शंकर, अवर सचिव

New Delhi, the 21st March, 1995

(INCOME-TAX)

S.O. 994.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Association of State Road Transport Undertaking (ASRTU), New Delhi" for the purpose of the said sub-clause for the assessment years 1990-91 and 1991-92 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9726/F. No. 197/4/95-ITA-I]

SADHNA SHANKER, Under Secy.

नई दिल्ली, 21 मार्च, 1995

(आयकर)

का. आ. 995 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (v) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एनड्वारा "एसोसिएशन आफ स्टेट रोड

ट्रांसपोर्ट अंडरटेकिंग, नई दिल्ली" को कर-निर्धारण वर्ष 1989-90 के लिए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करनी है।

[अधिसूचना सं. 9725/फा. सं. 197/4/95-आ. कर. नि.-I]

साधना शंकर, अवर सचिव

New Delhi, the 21st March, 1995

(INCOME-TAX)

S.O. 995.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Association of State Road Transport Undertaking (ASRTU), New Delhi" for the purpose of the said sub-clause for the assessment years 1989-90.

[Notification No. 9725/F. No. 197/4/95-ITA-I]

SADHNA SHANKAR, Under Secy.

आदेश

नई दिल्ली, 28 मार्च, 1995

का.आ. 996.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (i) के अधीन आदेश फा.सं. 673/1/95 सी.शु. 8 दिनांक 5-1-1995 को यह निदेश जारी किया था कि श्री आनन्द दामानी सुपुत्र श्री एस.के. दामानी (i) 22/1 अलीपुर रोड, पांचवीं मंजिल, कलकत्ता-27 (ii) मै. प्लास्टिक कंसन, 18, आर.एन. मुखर्जी रोड, कलकत्ता-700001 को निरुद्ध कर लिया जाए और प्रेजिडेन्सी जेल, अलीपुर, कलकत्ता में अभिरक्षा में रखा जाए ताकि उसे ऐसा कोई भी कार्य करने से जो तस्करीत माल के परिवहन या छिपाने या रखने का काम करने से अन्यथा तस्करीत माल का व्यवहार करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (i) के खण्ड (ख) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, कलकत्ता के समक्ष हाजिर हों।

[फा.सं. 673/1/95-सी.शु. 8]

जमना दाम, अवर सचिव

ORDER

New Delhi, the 28th March, 1995

S.O. 996.—Whereas Joint Secretary to the Govt. of India, specially empowered under sub-section (1) of the section 3

of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974), (as amended) issued order F. No. 673/1/95/CUS-VIII dated 5-1-95 directing that Shri Anand Damani S/o Shri S. K. Damani resident of (i) 22/1, Alipore Road, 5th Floor, Calcutta-26 (ii) M/s. Plastic Concern, 18, R. N. Mukherjee Road, Calcutta-700 001 be detained and kept in custody in the Presidency Jail, Alipore, Calcutta with a view to preventing him from dealing in smuggled goods otherwise than by engaging in transporting or concealing or keeping smuggled goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Calcutta within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/1/95-CUS VIII]

JAMNA DASS, Under Secy.

आदेश

नई दिल्ली, 29 मार्च, 1995

का० प्रा० 997.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश फा.सं. 673/131/94-सी.शु.-8 दिनांक 22-9-1994 को यह निदेश जारी किया था कि श्री बिट्टू सिंह सुपुल श्री सुजान सिंह डब्ल्यू जेड-606, प्रथम मंजिल तिलक नगर के पास, शिव नगर, जेल रोड, नई दिल्ली को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, बम्बई में अभिरक्षा में रखा जाए ताकि उसे भविष्य में माल की तस्करी करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, दिल्ली के समक्ष हाजिर हों।

[फा० सं० 673/131/94-सी.शु.-8]

ए०के० सिन्हा, अवर सचिव

ORDER

New Delhi, the 29th March, 1995

S.O. 997.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/131/94-Cus. VIII dated 22-9-1994 under the said sub-section directing that Shri Bittu Singh S/o Shri Sujjan Singh WZ-606 First Floor, Near Tilak Nagar, Shiv Nagar, Jail Road, New Delhi, be detained and kept in custody in the Central Prison, Bombay with a view to preventing him from Smuggling of goods in future.

786 GI/95-2.

2. Whereas the Central Government has reason to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before The Commissioner of Police Delhi within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/131/94 CUS. VIII]

A. K. SINHA, Under Secy.

आदेश

नई दिल्ली, 29 मार्च, 1995

का.आ. 998.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश फा.सं. 673/133/94-सी.शु.-8 दिनांक 22-9-1994 को यह निदेश जारी किया था कि श्री जयदीप सिंह गाभा सुपुल श्री साहिब सिंह गाभा, बिल्डिंग नं. 51/1, तीसरी मंजिल, पुराना राजेन्द्र नगर, नई दिल्ली-110060 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, बम्बई में अभिरक्षा में रखा जाए ताकि उसे भविष्य में माल की तस्करी तथा माल की तस्करी का दुष्प्रेरण करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3 अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त/डायरेक्टर जनरल पुलिस, दिल्ली के समक्ष हाजिर हों।

[फा.सं. 673/133/94-सी.शु.-8]

ए.के. सिन्हा, अवर सचिव

ORDER

New Delhi, the 29th March, 1995

S.O. 998.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/133/94-Cus. VIII dated 22-9-1994 under the said sub-section directing that Shri Jaldeep Singh Gabha s/o. Shri Sahib Singh Gabha Building No. 51/1, 3rd Floor, Old Rajender Nagar, New Delhi-110060 be detained and kept in custody in the Central Prison, Bombay with a view to preventing him from Smuggling of goods as well as abetting the smuggling of goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to

appear before the Commissioner of Police, Delhi within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/133/94-Cus. VIII]
A. K. SINHA, Under Secy.

आदेश

नई दिल्ली, 29 मार्च, 1995

का.आ. 999:—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश फा.सं. 673/182/94-सी.शु.-8 दिनांक 14-11-1994 को यह निदेश जारी किया था कि श्री सुनेर सागर मेहरा सुपुत्र श्री अमरीक चन्द मेहरा बी.पी.-67, पीतमपुरा, शकूरपुर, नई दिल्ली-110034 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, यरवदा, पुणे में अभिरक्षा में रखा जाए ताकि उसे भविष्य में माल की तस्करी करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त/दिल्ली के समक्ष हाजिर हों।

[फा.सं. 673/182/94-सी.शु.०-8]
ए.के. सिन्हा, अवर सचिव

ORDER

New Delhi, the 29th March, 1995

S.O. 999.—Whereas the Joint Secretary to the Government of India specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/182/94-Cus. VIII dated 14-11-1994 under the said sub-section directing that: Shri Suner Sagar Mehra S/O Sh. Amrik Chand Mehra, BP-67, Pitampura, Sakurpur, New Delhi-110034 be detained and kept in custody in the Central Prison Yarwada, Pune with a view to preventing him from smuggling of goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner/Director General of Police Delhi within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/182/94-Cus. VIII]
A. K. SINHA, Under Secy.

आदेश

नई दिल्ली, 29 मार्च, 1995

का.आ. 1000:—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश फा.सं. 673/183/94-सी.शु.-8 दिनांक 14-11-1994 को यह निदेश जारी किया था कि श्री निरमोहन सिंह सुपुत्र श्री करतार सिंह, एस-2/136, पुराना महावीर नगर, तिलक नगर, नई दिल्ली को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, नासिक, पुणे में अभिरक्षा में रखा जाए ताकि उसे भविष्य में माल की तस्करी करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके।

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त/दिल्ली के समक्ष हाजिर हों।

[फा.सं. 673/183/94-सी.शु.-8]
ए.के. सिन्हा, अवर सचिव

ORDER

New Delhi, the 29th March, 1995

S.O. 1000.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/183/94-Cus. VIII dated 14-11-1994 under the said sub-section directing that Shri Nirmohan Singh S/o Sh. Kartar Singh, S-2/136, Old Mahavir Nagar, Tilak Nagar, New Delhi, be detained and kept in custody in the Central Prison, Nasik with a view to preventing him from smuggling of goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed,

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Delhi within 7 days of the publication of this order in the official Gazette.

[F. No. 673/183/94-Cus. VIII]
A. K. SINHA, Under Secy.

आदेश

नई दिल्ली, 29 मार्च, 1995

का.आ. 1001:—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधि-

नियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश फा.सं. 673/184/94-सी.शु.-8 दिनांक 14-11-94 को यह निर्देश जारी किया था कि श्री कुलजीत सिंह सुपुत्र श्री अजीत सिंह फ्लैट नं.-33, न्यू विक्स बिल्डिंग, 4 बंगलऊ, आर.टी.ओ. अन्धेरी (वेस्ट) बम्बई को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, नासिक पुणे में अभिरक्षा में रखा जाए ताकि उसे भविष्य में तस्करी किए गए माल का दुप्रेरण करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके ;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त/डायरेक्टर जनरल पुलिस, बम्बई के समक्ष हाजिर हों।

[फा.सं. 673/184/94-सी.शु.-8]

ए. के. सिन्हा, अवर सचिव

ORDER

New Delhi, the 29th March, 1995

S.O. 1001.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/194/94-Cus. VIII dated 14-11-1994 under the said sub-section directing that Shri Kuljit Singh S/o Sh. Ajit Singh Flat No. 33, New Vikas Building, 4 Bunglow, RTO Andheri (West) Bombay, be detained and kept in custody in the Central Prison, Nasik with a view to preventing him from abetting the smuggling of goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Bombay within 7 days of the publication of this order in the official Gazette.

[F. No. 673/184/94-Cus. VIII]

A. K. SINHA, Under Secy.

आदेश

नई दिल्ली, 29 मार्च, 1995

का.आ. 1002:—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश फा.सं. 673/70/94-सी.शु.-8 दिनांक 24-6-1994 को यह निर्देश जारी किया था कि श्री जॉन नोर्वे, मोडल स्ट्रीट-5, हेलसिगोर, डेनमार्क को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, बम्बई में अभिरक्षा

में रखा जाए ताकि उसे भविष्य में माल की तस्करी करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके ;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, बम्बई के समक्ष हाजिर हों।

[फा.सं. 673/70/94-सी.शु.-8]

ए. के. सिन्हा, अवर सचिव

ORDER

New Delhi, the 29th March, 1995

S.O. 1002.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/70/94-Cus. VIII dated 24-6-1994 under the said sub-section directing that Shri Jan Norby, Knowlde Street-5, Helsingor, Denmark be detained and kept in the Central Prison, Bombay with a view to preventing him from smuggling of goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Bombay within 7 days of the publication of this order in the official Gazette.

[F. No. 673/70/94-Cus. VIII]

A. K. SINHA, Under Secy.

आदेश

नई दिल्ली, 29 मार्च, 1995

स्टाम्प

का. आ. 1003.—भारतीय स्टाम्प अधिनियम, (1899 का 2) की धारा 9 की उप-धारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जो आवास तथा शहरी विकास निगम, नई दिल्ली द्वारा जारी किए गए केवल तीस करोड़ रुपए मूल्य के ऋण पत्रों के स्वयं के बंधपत्र—यथा वर्णित XLII शृंखला के सरकार द्वारा प्रत्याभूत 13.5% प्रतिशत बॉण्डों पर उक्त अधिनियम के अंतर्गत प्रभार्य है।

[सं. 3/95-स्टाम्प-पत्र सं. 33/12/95-वि.क.]

आरामा राम, अवर सचिव

ORDER

New Delhi, the 29th March, 1995

STAMPS

S.O. 1003.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of Debentures—described as 13.5 per cent Government Guaranteed Bonds—XLII Series of the value of Rupees Thirty crores only issued by Housing and Urban Development Corporation, New Delhi are chargeable under the said Act.

[No. 3/95-Stamp-P. No. 33/12/95-ST]

ATMA RAM, Under Secy.

आदेश

नई दिल्ली, 30 मार्च, 1995

का.प्रा. 1004 :—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश सं. फा. 673/69/94-सी.शु.-8 दिनांक 24-6-1994 को यह निदेश जारी किया था कि श्री तोरबन ओलसेन, कॉल, 14/8, नायसटुड, डेनमार्क को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, बम्बई में अभिरक्षा में रखा जाए ताकि उसे भविष्य में माल की तस्करी करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, बम्बई के समक्ष हाजिर हो।

[फा.सं. 673/69/94-सी.शु.-8]

ए.के. सिन्हा, अवसर सचिव

ORDER

New Delhi, the 30th March, 1995

S.O. 1004.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/69/94-Cus. VIII, dated 24-6-1994 under the said sub-section directing that Shri Torben Olsen, C.O. 14/8, Naestued, Denmark be detained and kept in custody in the Central Prison, Bombay with a view to preventing him from smuggling of goods in future;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person

to appear before the Commissioner of Police Bombay within 7 days of the publication of this order in the official Gazette.

[F. No. 673/69/94-Cus. VIII]

A. K. SINHA, Under Secy.

आदेश

नई दिल्ली, 30 मार्च, 1995

का.प्रा. 1005 :—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश सं. फा. 673/128/94-सी.शु.-8 दिनांक 22-9-1994 को यह निदेश जारी किया था कि श्री दीदार सिंह डब्ल्यू जंड-के-94, गली नं. 13, तिलक नगर, कृष्णा पार्क, नई दिल्ली-110018 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, बम्बई में अभिरक्षा में रखा जाए ताकि उसे भविष्य में माल की तस्करी करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, दिल्ली के समक्ष हाजिर हो।

[फा.सं. 673/128/94-सी.शु.-8]

ए.के. सिन्हा, अवसर सचिव

ORDER

New Delhi, the 30 March, 1995

S.O. 1005.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/128/94-Cus. VIII dated 22-9-1994 under the said sub-section directing that Shri Didar Singh R/o WZ-K-94, Gali No. 13, Tilak Nagar, Krishna Park, New Delhi-18 be detained and kept in custody in the Central Prison, Bombay with a view to preventing him from smuggling of goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police Delhi within 7 days of the publication of this order in the official Gazette.

[F. No 673/128/94-Cus. VIII]

A. K. SINHA, Under Secy.

आदेश

नई दिल्ली, 30 मार्च, 1995

का.प्रा. 1006 :—भारत सरकार के संयुक्त सचिव ने विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम

1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश फा.सं. 673/129/94-सी.शु.-8 दिनांक 22-9-1994 को यह निर्देश जारी किया था कि श्री कुलतार सिंह गाभा, बिल्डिंग नं. 51/1, तीसरी मंजिल, पुराना राजेन्द्र नगर, नई दिल्ली-110060 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, बम्बई में अभिरक्षा में रखा जाए ताकि उसे भविष्य में मान की तस्करी करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, दिल्ली के समक्ष हाजिर हो।

-[फा.सं. 673/129/94-सी.शु.-8]
ए.के. सिन्हा, अवसर सचिव

ORDER

New Delhi, the 30 March, 1995

S.O. 1006.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/129/94-Cus. VIII dated 22-9-1994 under the said sub-section directing that Shri Kuldar Singh Gaba R/o Building No. 51/1, 3rd Floor, Old Rajender Nagar, New Delhi-60 be detained and kept in custody in the Central Prison Bombay with a view to preventing him from smuggling of goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Delhi within 7 days of the publication of this order in the official Gazette.

[No. 673/139/94-Cus. VIII]
A. K. SINHA, Under Secy.

आदेश

नई दिल्ली, 30 मार्च, 1995

का.आ. 1007.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश फा.सं. 673/130/94-सी.शु.-8 दिनांक 22-9-1994 को यह निर्देश जारी किया था कि श्री हरिन्दर सिंह सुपुत्र श्री मेहर सिंह, डक्यू जेड-87, प्रथम मंजिल, फ्लैट नं. 4, वरिन्द्र नगर, हरी नगर बस डिपो के पास, नई दिल्ली-110058 को निरुद्ध कर लिया जाए और

केन्द्रीय कारागार, बम्बई में अभिरक्षा में रखा जाए ताकि उसे भविष्य में मान की तस्करी करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, दिल्ली के समक्ष हाजिर हो।

[फा.सं. 673/130/94-सी.शु.-8]
ए.के. सिन्हा, अवसर सचिव

ORDER

New Delhi, the 30th March, 1995

S.O. 1007.—Whereas the Joint Secretary to Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/130/94-Cus. VIII, dated 22-9-1994 under the said sub-section directing that Shri Harinder Singh S/o. Sh. Mehar Singh WZ-87, 1st Floor, Flat No. 4, Varinder Nagar, near Hari Nagar Bus Depot, New Delhi-110058 be detained and kept in custody in the Central Prison Bombay with a view to preventing him from smuggling of goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Delhi within 7 days of the publication of this order in the official Gazette.

[F. No. 673/130/94-Cus. VIII]
A. K. SINHA, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 30 मार्च, 1995

का.आ. 1008.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 31 के उपखण्ड पंजाब नेशनल बैंक पर 30 अप्रैल, 1995 तक उस सीमा तक लागू नहीं होंगे जहां तक इस बैंक से दिनांक 31 मार्च, 1994 तक की स्थिति के अनुसार लेखा परीक्षक की रिपोर्ट सहित लेखाओं और संचयनपत्र की निर्धारित रकम से प्रकाशित करने और उसकी तीन प्रतियां भारतीय रिजर्व बैंक को 30 सितम्बर, 1994 तक की बटवाई हुई अवधि के सम्बद्ध अन्वेषक विवरणियों के रूप में प्रस्तुत करने की अपेक्षा की जाती है।

[सं. 12/9/93-बी.ओ.ए.]
बी.एस. सचदेव, अवसर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 30th March, 1995

S.O. 1008.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 31 of the said Act shall not apply to Punjab National Bank upto 30th April, 1995 in so far as it is required to publish the accounts and balance sheet as at 31st March, 1994 together with auditors' report in the prescribed manner and submit three copies thereof as returns to the Reserve Bank of India within the extended period upto 30th September, 1994.

[No. 12/9/93-BOA]

B. L. SACHDEVA, Under Secy.

आदेश

नई दिल्ली, 6 अप्रैल, 1995

का.भा. 1009.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रासंरक्षण और तस्करी निवारण अधिनियम 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश फा. सं. 673/116/94-सी. शु. - 8 दिनांक 19-8-1994 को यह निदेश जारी किया था कि श्री अमर नाथ अरोड़ा सुपुत्र श्री बद्री प्रसाद नं. 8, न्यू जगदम्बा अपार्टमेंट, चरत सिंह कासोनी, अम्बेरी (ईस्ट), बम्बई - 400093 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार बम्बई में अभिरक्षा में रखा जाए ताकि उसे भविष्य में माल की तस्करी का दुष्प्रेरण करने से निवारित किया जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके ;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, बम्बई के समक्ष हाजिर करें।

[फा. सं. 673/116/94 - सी. शु. - 8]

जमना दास, अवर सचिव

ORDER

New Delhi, the 6th April, 1995

S.O. 1009.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of the Section 3 of Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/116/94-Cus-VIII, dated 19-8-1994 under the said sub-section directing that Shri Amar Nath Arora S/o Shri Badri Prasad, resident of No. 8, New Jagdamba Apartment, Charath Singh Colony, Andheri (East), Bombay-400093 be detained and kept in custody in the Central prison, Bombay with a view to preventing him from abetting the smuggling of goods in future.

Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed ;

Now, therefore, in exercise of the powers conferred by clause (b) of sub-section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before

the Commissioner of Police, Bombay within 7 days of publication of this order in the Official Gazette.

[F. No. 673/116/94-CUS-VIII]

JAMNA DASS, Under Secy.

आदेश

नई दिल्ली, 7 अप्रैल, 1995

का. भा. 1010.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन आदेश फा. सं. 673/410/90-सी. शु. - 8 दिनांक 12-12-1990 को यह निदेश जारी किया था कि श्री डब्ल्यू क्रिस्तिन जैरक फरान्डो सुपुत्र श्री शिनी फरान्डो, माताकोतुवा महाविवा पोस्ट, श्रीलंका को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, मदुरै में अभिरक्षा में रखा जाए ताकि उसे भविष्य में माल की तस्करी से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके ;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर डायरेक्टर जनरल पुलिस, मद्रास (तमिलनाडु) के समक्ष हाजिर हों।

[फा. सं. 673/410/90-सी. शु. - 8]

ए. के. सिन्हा, अवर सचिव

ORDER

New Delhi, the 7th April, 1995

S.O. 1010.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974), issued order F. No. 673/410/90-Cus.VIII dated 12-12-1990 under the said sub-section directing that Shri W. Christain Jerack Fernando, S/o Shri Shini Fernando Mattakottuva Mahaviva post, Srilanka be detained and kept in custody in the Central Prison Madurai with a view to preventing him from smuggling of goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed ;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Director General of Police, Madras (Tamil Nadu) within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/410/90-Cus.VIII]

A. K. SINHA, Under Secy.

नई दिल्ली, 1 अप्रैल, 1995

का. भा 1011.—राष्ट्रीय कूट बैंक और प्रकीर्ण उपबन्ध स्कीम 1980 के खण्ड 3 के उप खण्ड (ज) के अनुसरण

में, केन्द्रीय सरकार, एतद्वारा नीचे दी गई सारणी के कालम (2) में निर्दिष्ट व्यक्तियों को उक्त सारणी के कालम (3) में निर्दिष्ट व्यक्तियों के स्थान पर कालम (1) में निर्दिष्ट राष्ट्रीय कृषि बैंकों का निदेशक नियुक्त करती है —

सारणी		
(1)	(2)	(3)
1. विजया बैंक	सुश्री पी. मोहन निदेशक, वित्त मंत्रालय, आर्थिक कार्य विभाग,	श्री एस. के. बतरा

(1)	(2)	(3)
	(बैंकिंग प्रभाग), नयी दिल्ली	
2. आन्ध्रा बैंक	श्री एस. के. जे. श्री वास्तव उप सचिव, वित्त मंत्रालय, आर्थिक कार्य विभाग, (बैंकिंग प्रभाग), नई दिल्ली	श्रीमती अनिता कपूर

[सं० एक 9/9/94-बी ओ आई (i)]
के. के. मंगल, अध्वर सचिव

New Delhi, the 1st April, 1995

S. O. 1011.—In pursuance of sub-clause (b) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government hereby appoints the persons specified in column (2) of the Table below as Directors of the nationalised banks specified in column (1) thereof in place of the persons specified in column (3) of the said Table :

TABLE

(1)	(2)	(3)
Vijaya Bank	Ms. P. Mohan, Director, Ministry of Finance, Department of Economic Affairs, (Banking Division), New Delhi.	Sh. S.K. Batra
Andhra Bank	Sh.S.K.J. Srivastava, Deputy Secretary, Ministry of Finance, Department of Economic Affairs, (Banking Division), New Delhi.	Smt. Anita Kapur.

[No. F-9/94-BO-I (i)]

K.K. MANGAL, Under Secy.

नई दिल्ली, 1 अप्रैल, 1995

New Delhi, the 1st April, 1995

का. आ. 1012.—भारतीय स्टेट बैंक (अनुषंगी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 25 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री एस. के. बतरा, अध्वर सचिव, वित्त मंत्रालय आर्थिक कार्य विभाग, (बैंकिंग प्रभाग), नई दिल्ली को श्री एम. कुकरेजा के स्थान पर स्टेट बैंक आंध्र प्रदेश के निदेशक के रूप में माहित करती है।

[सं० एक 9/9/94-बी ओ आई (ii)]
के. के. मंगल, अध्वर सचिव

S.O. 1012.—In pursuance of the powers conferred by clause (e) of sub-section (1) of section 25 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government, hereby nominates Shri S. K. Batra, Under Secretary, Ministry of Finance, Department of Economic Affairs, (Banking Division), New Delhi, as a Director of State Bank of Andhra vice Shri M. L. Kukreja.

[No. F. 9/94-BO-I(ii)]

K. K. MANGAL, Under Secy.

नई दिल्ली, 5 अप्रैल, 1995

का. आ. 1013.—बैंककारी विनियमन अधिनियम, 1949 (1994 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों

प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 19 की उपधारा (2) के उपबंध यूनाइटेड बैंक ऑफ इंडिया, कलकत्ता पर 11 मार्च, 1997 तक उस स्तिम तक लागू नहीं होंगे जहां तक उनका संबंध गिरवीदार के रूप में मेसर्स एक्मे इलेक्ट्रो इंडस्ट्रीज प्रा. लि. की शेयरों की उसकी धारिता से है।

[सं. 15/5/95-बी प्रो ए]

बी. एल. सचदेव, अधीन सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 5th April, 1995

S.O. 1013.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (2) of Section 19 of the said Act shall not apply to United Bank of India, Calcutta, for a period upto 11th March, 1997 in respect of its holding shares of M/s. Acme Electro Industries Pvt. Ltd. as pledgee.

[No. 15/5/95-BOA]

B. L. SACHDEVA, Under Secy.

वाणिज्य मंत्रालय

(विदेश व्यापार महानिदेशालय)

आदेश

नई दिल्ली, 24 मार्च, 1995

का. आ. 1014 :—मै. टाइटन इण्डस्ट्रीज लि., होमुर, मद्रास को पुराने पूंजीगत माल के आयात हेतु 3,53,92,990 रु. (तीन करोड़ निरपेक्ष लाख चानवें हजार नौ सौ नब्बे रुपये) के लागत बीमा भाड़ा मूल्य का एक आयात लाइसेंस सं. पी/सी जी / 2133984 दिनांक 21-2-95 मंजूर किया गया था।

2. फर्म ने उक्त लाइसेंस की अनुलिपि इस आधार पर जारी करने के लिए आवेदन किया है कि मूल आयात लाइसेंस खो गया है/अस्थानास्थ हो गया है। यह भी बताया गया है कि आयात लाइसेंस सीमाशुल्क पत्तन से पूंजीकृत नहीं कराया गया था और इसकी शून्य रुपये की राशि प्रयोग में लाई जा चुकी है लेकिन इसकी शेष राशि 3,53,92,990 रु. का उपयोग नहीं हुआ है।

3. अपने तर्कों के समर्थन में लाइसेंसधारी ने नोटरी पब्लिक बंगलूर के समक्ष विधिवत शपथ लेकर स्टाम्प पेपर पर एक हलफनामा दाखिल किया है। तदनुसार मैं संतुष्ट हूँ कि आयात लाइसेंस सं. पी / सी जी/2133984 दिनांक 21-2-95 फर्म से कहीं खो गया है या अस्थानास्थ हो गया है। यथासंशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 के अनुच्छेद (9 ग) के अन्तर्गत प्रवृत्त शक्तियों का प्रयोग करते हुए मै. टाइटन इण्डस्ट्रीज लि., होमुर मद्रास को जारी किए गए मूल आयात लाइसेंस

सं. पी/सी जी/2133984 दिनांक 21-2-95 को एतद्वारा रद्द किया जाता है।

4. उक्त लाइसेंस के बदले में पार्टी को उक्त लाइसेंस की अनुलिपि अलग से जारी की जा रही है।

[फा. सं. 18/1010/ए एम 95/ई पी. सी जी-3/754]

माया डी. केम, उप महानिदेशक विदेश व्यापार

MINISTRY OF COMMERCE

(Directorate General of Foreign Trade)

ORDER

New Delhi, the 24th March, 1995

S.O. 1014.—M/s. Titan Industries Ltd., Hosur, Madras were granted an Import Licence No. P/CG/2133984 dated 21-2-95 of CIF Value Rs. 3,53,92,990 (Rupees three crores fifty three lakhs ninety thousand nine hundred and ninety only) for import of Second Hand capital goods.

2. The firm has applied for issue of duplicate the above licence on the ground that the original import licence has been lost or misplaced. It has further been stated that the import licence was not registered with custom port and has been utilised for rupees NIL leaving a balance of Rs. 3,53,92,900.

3. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before Notary Public, Bangalore. I am accordingly satisfied that the import licence No. P/CG/2133984 dated 21-2-95 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order 1955 dated 7-12-1955 as amended, the said original import licence No. P/CG/2133984 dated 21-2-95 issued to M/s. Titan Industries Ltd. Hosur, Madras is hereby cancelled.

4. The duplicate licence in lieu of said licence is being issued to the party separately.

[F. No. 18/1010/AM/95/EPCG-III/754]

M. D. KEM, Dy. Director General of Foreign Trade

नई दिल्ली, 24 मार्च, 1995

का.आ. 1015.—निर्यात (कमालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (i) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, खनिज तथा अयस्क (ग्रुप-I) तथा ग्रुप II का मद्रास में निर्यात में पूर्ण निरीक्षण करने के लिए 9 ए फर्स्ट स्ट्रीट सेकिड एवेन्यू, अशोक नगर मद्रास-600083 में स्थित मेसर्स थेरा प्यूटिक्स केमिकल रिसर्च कॉर्पोरेशन को जिनका रजिस्ट्रीकृत कार्यालय थेराप्यूटिक्स केमिकल रिसर्च कॉर्पोरेशन, शिव इंडस्ट्रियल एस्टेट, पटेल रोड एकम लेन वाईकूला गुडस डिपो के पास बम्बई-400012 में है इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए निम्न शर्तों के अधीन एतद्वारा अधिभरण के रूप में मान्यता देती है, अर्थात् :—

- (i) मैसर्स थेराप्यूटिक्स केमिकल रिसर्च कार्पोरेशन नियमित निरीक्षण परिषद द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गयी निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देगा ताकि खनिज तथा अयस्क ग्रुप-I तथा II के नियमित (निरीक्षण) नियम, 1965 के नियम 4 के अन्तर्गत निरीक्षण का प्रमाणपत्र दिया जा सके।
- (ii) मैसर्स थेराप्यूटिक्स केमिकल रिसर्च कार्पोरेशन इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आबद्ध होगा जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में दें।

[फा.सं. 5/21/94-ईआईएंडईपी]

कुमारी सुमा सुब्बणा, निदेशक

MINISTRY OF COMMERCE

New Delhi, the 24th March, 1995

S.O. 1015.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a period of three years from the date of publication of this notification, M/s. Therapeutics Chemical Research Corporation located at 9-A First Street Second Avenue, Ashok Nagar, Madras-600 083 and having their registered office at Therapeutics Chemical Research Corporation, Shiv Industrial Estate, Parel Road, X Lane Near Byculla Goods Depot, Bombay-0012 as an agency for the inspection Minerals and Ores (Group-I) and (Group II), prior to export at Madras subject to the following conditions, namely:—

- (i) that M/s. Therapeutics Chemical Research Corporation shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores Group I and II (Inspection) Rules, 1965;
- (ii) that M/s. Therapeutics Chemical Research Corporation in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[F. No. 5/21/94-EI&EP]
KUM. SUMA SUBBANNA, Director

नई दिल्ली, 27 मार्च, 1995

का. आ. 1016 :—नियमित (क्वालिटी नियंत्रण तथा निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मंगनीज डायक्साइड (3) बोक्साइड रहित, फैल्मीड बोक्साइड रहित खनिज तथा अयस्क (ग्रुप—I) प्रस्तावित कच्चे लोहे कच्चे मंगनीज का बेलारी में निर्यात के पूर्व निरीक्षण करने के लिए एम आई सी II/10 के एच बी कालोनी, तिलक नगर, कैंटोनमेंट, बेलारी-4 में स्थित मैसर्स थेराप्यूटिक्स केमिकल रिसर्च कार्पोरेशन को जिनका रजिस्ट्रीकृत कार्यालय थेराप्यूटिक्स केमिकल रिसर्च कार्पोरेशन, शिव इंडस्ट्रियल एस्टेट, परेल रोड एकम लेन, शार्डकुला गुड्स डिपो के पास बम्बई-400012 में है। इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष

की अवधि के लिए निम्न शर्तों के अधीन एस्टेडारा अभि-
करण के रूप में मान्यता देती है, अर्थात्:—

- (i) मैसर्स थेराप्यूटिक्स केमिकल रिसर्च कार्पोरेशन नियमित निरीक्षण परिषद द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गयी निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देगा ताकि खनिज तथा अयस्क ग्रुप-I के नियमित (निरीक्षण) नियम, 1965 के नियम 4 के अंतर्गत निरीक्षण का प्रमाण पत्र दिया जा सके।
- (ii) मैसर्स थेराप्यूटिक्स केमिकल रिसर्च कार्पोरेशन इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आबद्ध होगा जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में दें।

[फाइल सं. 5/22/94-ई. आई.]

कुमारी सुमा सुब्बणा, निदेशक

New Delhi, the 27th March, 1995

S.O. 1016.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a period of three years from the date of publication of this notification, M/s. Therapeutics Chemical Research Corporation located at MIG II/10, KHB Colony, Tilak Nagar, Cantonment, Bellary-4 and having their registered office at Therapeutics Chemical Research Corporation, Shiv Industrial Estate Parel Road, X Lane, Near Byculla Goods Depot, Bombay-400 012, as an agency for the inspection, Minerals & Ores Group I namely (1) Iron ore (2) Manganese Ore excluding Manganese Dioxide (3) Bauxite including Calcined Bauxite, prior to export at Bellary subject to the following conditions, namely:—

- (i) that M/s. Therapeutics Chemical Research Corporation, shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine method of inspection followed by them in granting the certificate of inspection rule 4 of the Export of Minerals and Ores Group I (Inspection) Rules, 1965;
- (ii) that M/s. Therapeutics Chemical Research Corporation in the performance of their functions under this notification shall be bound by such directives as the Director (Inspection & Quality Control) may give in writing from time to time.

[File No. 5/22/94-EI & EP]
KUM. SUMA SUBBANNA, Director

(विदेश व्यापार महानिदेशालय)

(डी. ई. एस-2 अनुभाग)

नई दिल्ली, 4 अप्रैल, 1995

का. आ. 1017 :—मै. विजय इलेक्ट्रीकल्स लिमिटेड, 28, आई डी ए, बालानगर, हैदराबाद-500037 को डी ई ई सी बुक सं. 105315 दिनांक 23-3-1994 [भाग—I] (आयात) एवं II (निर्यात) महित, 1,87,74,679/- रु. के निर्यात आभार के साथ 1-07,95,440/- रु. के लागत बोमा-भाड़ा मूल्य के लिए लाइसेंस जारी होने की तारीख से 12 महीने की वैधता वाला विशेष अप्रदाय लाइसेंस सं. पी/एल/1526365 दिनांक 23-3-1994 प्रदान किया गया था। अब फर्म ने इस आधार पर डी. ई. ई. सी. बुक (भाग—2—निर्यात) की अनुलिपि प्रदान करने के लिए आवेदन किया है कि मूल प्रति गुप्त/अस्थानस्थ हो गई है। फर्म ने आवश्यक हलफनामा प्रस्तुत किया है जिसके अनुसार उपरोक्त विशेष अप्रदाय लाइसेंस मद्रास सीमाशुल्क प्राधिकारी के पास पंजीकृत किया गया था। हलफनामों में इस आशय का ब्यक्त भी किया गया है कि यदि उक्त डी. ई. ई. सी. बुक बाध में मिल जाती है तो उसे जारी करने वाले प्राधिकारी को लौटा दिया जाएगा।

2. संतुष्ट होने पर कि डी. ई. ई. सी. बुक (भाग—2 निर्यात) खो गई है अधोहस्ताक्षरी निवेदन देता है कि अनुलिपि डी. ई. ई. सी. बुक (भाग—2—निर्यात) आवेदक को जारी कर दी जाए। विदेश व्यापार (विकास एवं विनियमन) अधिनियम, 1992 की धारा—9 की उपधारा (4) में प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी एतद्वारा मूल डी. ई. ई. सी. बुक सं. 105315 दिनांक (भाग) "2—केवल निर्यात" 23-3-1994 को रद्द करते हैं।

[फा. सं. 01/82/42/335/ए. एस. 94/डी ई एस-2/13]

आवर. के. सूद, उप महानिदेशक, विदेश व्यापार
कृत महानिदेशक, विदेश व्यापार

(Directorate General of Foreign Trade)

(DES. II Section)

New Delhi, the 4th April, 1995

S.O. 1017:—M/s. Vijai Electricals Limited, 28, IDA., Balanagar, Hyderabad-500037 were granted Special Imprest Licence No. P/L/1526365 dated 23-3-1994 for CIF value of Rs. 1,07,95,440 with an Export Obligation of Rs. 1,87,74,679 alongwith DEEC Book No. 105315 dated 23-3-1994 [Part I (Import) and II (Export)] with a validity of 12 months from the date of issue of the Licence. Now the firm have applied for grant of duplicate of DEEC Book (Part II Export) on the ground that the same has been lost/misplaced. The firm have furnished necessary affidavit according to which the aforesaid Special Imprest Licence was

registered with Madras Customs Authority. A declaration has also been incorporated in the affidavit to the effect that if the said DEEC Book is traced or found later on, it will be returned to the Issuing Authority.

2. On being satisfied that the DEEC Book (Part II—Export) has been lost, the undersigned directs that duplicate DEEC Book (Part II—Export) be issued to the applicant. The undersigned also, in exercise of the powers conferred in sub-clause (4) of Clause 9 of the Foreign Trade (Development and Regulation) Act, 1992, hereby cancel the Original DEEC Book No. 105315 dated 23-3-1994 (Part II—Export Only).

[F. No. 01/82/42/335/AM.94/DES.II/13]

R. K. SOOD, Dy. Director General of Foreign Trade
for Director General of Foreign Trade

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

शुद्धिपत्र

नई दिल्ली, 2 अप्रैल, 1995

का. आ. 1018 :—भारत के राजपत्र में पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) खंड 3 के उपखंड (i) के अन्तर्गत दिनांक 1-10-94 को प्रकाशित पेट्रोलियम और प्राकृतिक गैस मंत्रालय के दिनांक 9-9-94 के का. आ. संख्या 2532 जो कि ग्राम सिंहवासा, तहसील गुना, जिला गुना के संबंध में था, को निम्नानुसार पढ़ा जाए :—

राजपत्र के अनुसार		निम्न संशोधन के अनुसार पढ़ा जाए	
क्र. सं.	सर्वे संख्या	क्षेत्र-हेक्टेयर में	सर्वे संख्या क्षेत्र-हेक्टेयर में
15.	399	0.0720	399 0.0864
16.	392	0.2700	392 0.5940
17.	398/2	0.2317	398/2 0.7632
18.	400	0.0305	400 0.0360
19.	2 7/1/2	0.3515	237/1/2 0.3672
20.	238	0.4210	238 0.0189
21.	401/1/2	0.2110	401/1/2 0.1728
22.	234/1/2	0.2260	234/1/2 0.1701
—	—	—	234/2 0.0567
—	—	—	421/5 0.0052
—	—	—	403/2 0.0972

[संख्या एल-14016/07/94 - जी पी]

अर्धेन्द्र सेन, निदेशक

MINISTRY PETROLEUM AND NATURAL GAS CORRIGENDUM

New Delhi, the 2nd April, 1995

S.O. 1018 .— In the Gazette of India Ministry of Petroleum & Natural Gas S.O. No. 2532 dtd. 9-9-94 published on 1-10-94 under sub-section (i) of section 3 of the Petroleum & Mineral Pipeline (Acquisition of Right of Users in land) Act, 1962 (50 of 1962) in respect of village Singwasa, Tehsil Guna, Distt. Guna be read as follows :—

As per Gazette			Be read as Corrected below :	
Sr. No.	Survey No.	Area in Hectare	Survey No.	Area in Hectare
15	399	0.0720	399	0.0864
16	392	0.2700	392	0.5940
17	398/2	0.2317	398/2	0.7632
18	400	0.0305	400	0.0369
19	237/1/2	0.3515	237/1/2	0.3672
20	238	0.4210	238	0.0189
21	401/1/2	0.2110	401/1/2	0.1728
22	234/1/2	0.2260	234/1/2	0.1701
—	—	—	234/2	0.0567
—	—	—	421/5	0.0052
—	—	—	403/2	0.0972

[No. L-14016/07/94-G.P.]

ARDHENDU SEN, Director

शुद्धिपत्र

नई दिल्ली, 2 अप्रैल 1995

का. आ. 1019.—भारत का राजपत्र दिनांक 27-11-93 के पृष्ठ संख्या 3645, 3646 पर प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की खनिज पाइप लाइन के (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) के अधीन जारी की गई अधिसूचना संख्या का. आ. 2551 दिनांक 9-11-93 ग्राम वैसुन्धरा, परगना व तहसील—विधूना, जनपद इटावा की प्रकाशित अंग्रेजी अनुसूची के स्तम्भ 5 में गाटा संख्या 617 मि. के स्थान पर गाटा संख्या 617 तथा हिन्दी अनुसूची के स्तम्भ 5 में गाटा संख्या 618 मि. के स्थान पर गाटा 619 मि. पढ़ा जाये तथा कुल किला के स्थान पर कुल किता पढ़ा जाये।

[संख्या एल - 14016/11/93 - जीपी]

अर्धेन्दु सेन, निदेशक

CORRIGENDUM

New Delhi, the 2nd April, 1995

S.O. 1019.- In the Gazette of India, Ministry of Petroleum and Natural Gas No. S.O. 2551 dated 9-11-93 published on 27-11-93 at page No. 3645, 3646 Sub-Section (i) of Section 3 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962), of Village-Vaisundhra Pargana and Tahsil-Vidhuna, District Etawah column 5 be read as plot No. 617 instead of 617 min. in English version and column 5 be read plot No. 619 mip. instead of 618 min.

in hindi version and Kul Kita be read instead of Kul Kila in hindi version.

[No. L-14016/11/93-G.P.]
ARDHENDU SEN, Director

शुद्धिपत्र

नई दिल्ली, 2 अप्रैल, 1995

का.आ. 1020.—भारत के राजपत्र, दिनांक 27-11-93 के पृष्ठ संख्या 3647 पर प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की खनिज पाइप लाइन के (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) के अधीन जारी की गई अधिसूचना संख्या का. आ. 2552 दिनांक 9-11-93 ग्राम—सेहद्व, परगना व तहसील—ओरिया जनपद—इटावा की प्रकाशित हिन्दी अनुसूची के स्तम्भ 5 व 6 में गाटा संख्या 9/7 क्षेत्रफल 0.32 के स्थान पर गाटा संख्या 9/7 क्षेत्रफल 0.12 पढ़ा जाये तथा कुल किला के स्थान पर कुल किता पढ़ा जाये।

[संख्या एल.-14016/11/93 - जीपी]

अर्धेन्दु सेन, निदेशक

CORRIGENDUM

New Delhi, the 2nd April, 1995

S.O. .—In the Gazette of India, Ministry of Petroleum and Natural Gas S.O. No. 2552 dated 9-11-93 published on 27-11-93 at page No. 3647 Sub-Section (i) of Section 3 of Petroleum and Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) of Village Schud, Pargana and Tehsil Auriya District Etawah in column 5 and 6 be

read plot No. 9/7 area 0.12 instead of plot No. 9/7 area 0.32 in Hindi Version.

[No. L-14016/11/93-G.P.]
ARDHENDU SEN, Director

(स्वास्थ्य विभाग)

नई दिल्ली, 21 मार्च, 1995

का. प्रा. 1021.—केन्द्रीय सरकार ने भारतीय आयुर्विज्ञान परिषद् अधिनियम 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (क) के अनुसरण में और तमिलनाडु सरकार से परामर्श करके डा. जे. राजप्पा संकायाध्यक्ष, मदुरै मेडिकल कालेज, मदुरै, तमिलनाडु को इस अधिसूचना के जारी करने की तारीख से भारतीय आयुर्विज्ञान परिषद् के सदस्य के रूप में नामनिर्दिष्ट किया है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबंधों के अनुसरण में, भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की अधिसूचना सं. का. प्रा. 138, तारीख 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, "धारा 3 की उपधारा (1) के खंड (क) के अधीन नामनिर्दिष्ट" शीर्षक के नीचे क्रम सं. 6 और उसमें संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्यांक और प्रविष्टियां रखी जाएंगी अर्थात् :—

6. डा. जे. राजप्पा,
संकायाध्यक्ष,
मदुरै, मेडिकल कालेज,
मदुरै, तमिलनाडु।

[सं. वी. 11013/34/94-एम. ई. (यू. जी.)]
एम. के. मिश्रा, डेस्क अधिकारी
(Department of Health)

New Delhi, the 24th March, 1995

S.O. 1021.—Whereas the Central Government in pursuance of clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the Government of Tamil Nadu have nominated Dr. J. Rajappa, Dean, Madurai Medical College, Madurai, Tamil Nadu to be a member of the Medical Council of India with effect from the date of issue of this notification ;

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of Government of India in the then Ministry of Health number S.O. 138 dated 9th January, 1960, namely :—

In the said notification, under the heading "Nominated under clause (a) of sub-section (1) of section 3", for serial number 6 and the entries relating thereto, the following serial number and entries shall be substituted, namely :—

"6. Dr. J. Rajappa,
Dean,
Madurai Medical College,
Madurai, Tamil Nadu."

[No. V. 11013/34/94-ME(UG)]
S. K. MISHRA, Desk Officer

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 30 मार्च, 1995

का. प्रा. 1022.—होम्योपैथी केन्द्रीय परिषद् अधिनियम, 1973 (1973 का 59) की धारा 3 की उपधारा (1) के

खंड (ख) के उपबंधों के अनुसरण में, नीचे दी गई सारणी के स्तंभ (1) में उल्लिखित व्यक्ति को स्तंभ (2) में उल्लिखित विश्वविद्यालय से निर्वाचित किया गया है,

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के स्वास्थ्य और परिवार कल्याण नियोजन मंत्रालय, स्वास्थ्य विभाग द्वारा प्रकाशित अधिसूचना सं. का. प्रा. 482(अ), तारीख 6 अगस्त, 1974 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की सारणी में क्रम सं. 1 और उसमें संबंधित प्रविष्टियों के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—

(1)	(2)
"1 डा. ए. एन. मिश्रा प्रधानाचार्य, गाजीपुर, होम्योपैथिक मेडिकल कालेज, गाजीपुर।	आगरा विश्वविद्यालय।"

[फा. सं. वी. 27021/46(ख)/94-होम्यो/ई. यू.]
बी. सी. मेहता, डेस्क अधिकारी

पाद टिप्पण: मूल अधिसूचना का. प्रा. सं. 482(अ), अधिसूचना 6-8-76 द्वारा जारी की गई थी और उसमें तत्पश्चात् अधिसूचना का. प्रा. सं. 818(अ), तारीख 22-10-90, का. प्रा. सं. 75(अ), तारीख 6-2-91 और का. प्रा. सं. 1263, तारीख 27-4-92 द्वारा संशोधन किए गए।

MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 30th March, 1995

S.O. 1022.—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 of the Homoeopathy Central Council Act, 1973 (59 of 1973), the person mentioned in column (1) of the Table below has been elected from the University mentioned in column (2) ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Health and Family Planning, Department of Health, published vide No. S.O. 482(E), dated the 6th August, 1974, namely :—

In the Table to the said notification, for serial No. 1 and entries relating thereto, the following shall be substituted, namely :—

(1)	(2)
"1. Dr. A. N. Misra, Principal Ghazipur Homoeopathic Medical College, Ghazipur.	Agra University."

[F. No. V. 27021/46(3)/94/Homoeo/EU]
S. C. MEHTA, Desk Officer (Homoeo)

Foot Note : The Principal notification was published vide No. S.O. 482(E), dated 06-08-74 and subsequently amended by S.O. 818(E), dated 22nd October, 1990, S.O. 75(E), dated 6th February, 1991 and S.O. 1263 dated 27th April, 1992.

नागर विमानन और पर्यटन मंत्रालय

(नागर विमानन विभाग)

नई दिल्ली, 30 मार्च, 1995

का.आ. 1023.—भारतीय विमानपत्तन प्राधिकरण अधिनियम, 1994 (1994 का 55) की धारा 3 की उप-धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा एयर वाइस मार्शल (सेवानिवृत्त) एच.एम. शाहुल, अध्यक्ष, राष्ट्रीय विमानपत्तन प्राधिकरण और भारत अंतर्राष्ट्रीय विमानपत्तन प्राधिकरण को भारतीय विमानपत्तन प्राधिकरण के अध्यक्ष के रूप में रु० 9000-10000 के अनुसूचित ग्रेड 'क' में दिनांक 1-4-1995 से तथा दिनांक 14-10-1996 तक जबकि वे 60 वर्ष के हो जाएंगे, नियुक्त करते हैं।

[फा.सं. ए.वी-11015/2/95-वी.बी.]
वी.के.साधु, उप सचिव

MINISTRY OF CIVIL AVIATION & TOURISM

(Department of Civil Aviation)

New Delhi, the 30th March, 1995

S.O. 1023.—In exercise of the powers conferred by Sub-section 3 of Section 3 of the Airports Authority of India Act, 1994 (55 of 1994), the Central Government hereby appoints Air Vice-Marshal (Retd.) H. M. Shahul, Chairman, National Airports Authority and International Airports Authority of India as Chairman, Airports Authority of India in the Schedule "A" grade of Rs. 9000-10000/- with effect from 01-04-1995 and upto 14-10-1996 when he attains the age of 60 years.

[F. No. AV-11015/2/95-VB]
V. K. SADHU, Dy. Secy.

जल, भूतल परिवहन मंत्रालय

(नौवहन महानिदेशालय)

बंबई, 24 मार्च, 1995

(वाणिज्य पोत परिवहन)

का.आ. 1024.—नौवहन महानिदेशक एवं पदेन अवर सचिव, भारत सरकार एतद्वारा वाणिज्य पोत परिवहन (नाविक रोजगार कार्यालय) नियम 1986 के नियम 3 के साथ पठित भारत सरकार, जल भूतल परिवहन मंत्रालय की अधिसूचना सं. एस डब्ल्यू/एम डब्ल्यू एस-40/85.एम टी दिनांक 22 अप्रैल, 1988 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार, जल भूतल परिवहन मंत्रालय नौवहन महानिदेशालय की अधिसूचना के आंशिक आशोधन में (देखें, का.नि. 1533, दिनांक 28 जून, 1993) (1) कैप्टन एम. बहल (2) कैप्टन एस. पाही, और (3) श्री एस. आर. गुप्ता, भारतीय राष्ट्रीय पोतस्वामी संघ, उप समिति, कलकत्ता को (1) कैप्टन बी.के. गुप्ता (2) कैप्टन एम.जे.

कात्याल और (3) श्री के.एच. परमार के स्थान पर नाविक रोजगार बोर्ड, कलकत्ता का सदस्य नियुक्त करते हैं।

अनुसार, पूर्वोक्त अधिसूचना में क्रमांक 7, 8 और 9 के सामने की नई प्रविष्टियों में (1) कैप्टन बी.के.गुप्ता (2) कैप्टन एम.जे. कात्याल और (3) श्री के.एच. परमार के नामों को (1) कैप्टन एम. बहल (2) कैप्टन एम. पाही और (3) श्री एस.आर.गुप्ता, भारतीय राष्ट्रीय पोतस्वामी, उप-समिति, कलकत्ता से प्रतिस्थापित किया जाएगा।

[फा.सं. 24(1)/सी आर/90]
एच.पी.शर्मा, उप नौवहन महानिदेशक

MINISTRY OF SURFACE TRANSPORT

(Directorate General of Shipping)

Bombay, the 24th March, 1995

(Merchant Shipping)

S.O. 1024.—In exercise of the power conferred by rule 3 of the Merchant Shipping (Seamen's Employment Office) Rules, 1986 read with the Notification of the Government of India, Ministry of Surface Transport No. SW/MWS-40/85-MT dated 22nd April, 1988 and in partial modification of the Notification of the Government of India, the Ministry of Surface Transport, Directorate General of Shipping vide S.O. 1533 dated 28th June, 1993 the Director General of Shipping & Ex-Officio Additional Secretary to the Govt. of India hereby appoints (1) Capt. S. Pahl (2) Capt. S. Pahl, and (3) Shri S.R. Gupta of Indian National Shipowners Association, sub-committee, Calcutta, as members on the Seamen's Employment Board, Calcutta in place of (1) Capt. V. K. Gupta (2) Capt. M. J. Katyal, and (3) Shri K. H. Parmar.

Accordingly, in the aforesaid notification, in the entries against Sr. No. 7, 8, and 9 the names of (1) Capt. V. K. Gupta (2) Capt. M. J. Katyal and (3) Shri K. H. Parmar shall be substituted by (1) Capt. S. Pahl (2) Capt. S. Pahl and (3) Shri S. R. Gupta of Indian National Shipowners Association, Sub-Committee, Calcutta.

[F. No. 24(1)/CR/90]
H. P. SHARMA, Dy. Director General of Shipping

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 31 मार्च, 1995

का.आ. 1025.—राजभाषा नियम, 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उप नियम (2) और (4) के अनुसरण में, रेल मंत्रालय, रेलवे बोर्ड उत्तर रेल के निम्नलिखित कार्यालयों को, जहां कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करता है :-

उत्तर रेल (लखनऊ मंडल)

1. रेल स्टेशन, अमेठी
2. रेल स्टेशन, हरचन्दपुर
3. रेल स्टेशन, बछरावां
4. सहायक अभियंता कार्यालय, जौनपुर
5. रेल स्टेशन, अकबरपुर
6. रेल स्टेशन, गोसाईगंज

7. रेल स्टेशन, दरयाबाद

8. रेल स्टेशन, जफराबाद जंक्शन

[सं. हिंदी—95/रा.भा. I/12/1]

एस. ए.ए. जैदी, सचिव

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 31st March, 1995

S.O. 1025.—In pursuance of sub-rules (2) and (4) of Rule 10 of the Official Language (Use for the Official purposes of the Union) Rules, 1976, the Ministry of Railways (Railway Board) hereby notify the following Offices of Northern Railway where the staff have acquired the working knowledge of Hindi :—

NORTHERN RAILWAY (LUCKNOW DIVISION)

1. Railway Station, Amethi.
2. Railway Station, Harchandpur.
3. Railway Station, Bachhrawan.
4. Office of the Assistant Engineer, Jaunpur.
5. Railway Station, Akbarpur.
6. Railway Station, Gosain Ganj.
7. Railway Station, Daryabad.
8. Railway Station, Zafrabad Junction.

[No. Hindi-95/OL-I/12/1]

S. A. A. ZAIDI, Secy.

नई दिल्ली, 31 मार्च, 1995

का.आ. 1026.—संविधान के अनुच्छेद 309 तथा अनुच्छेद 148 के उपबंध (5) के प्रावधानों द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राष्ट्रपति जी रेल सेवा (पेंशन) नियम, 1993 में आगे संशोधन करने के लिए एतद्द्वारा निम्नलिखित नियम बनाते हैं :—

1. ये नियम रेल सेवा (पेंशन) द्वितीय संशोधन, नियम, 1994 के नाम से जाने जाएंगे।
2. वे सरकारी राजपत्र में उनके प्रकाशन की तारीख से प्रभावी होंगे।
3. रेल सेवा (पेंशन) नियम, 1993 में, उपनियम (4) तथा इसके प्रावधानों में प्रयुक्त शब्द "साठ दिन" को "नव्वे दिन" द्वारा प्रतिस्थापित किया जाए।

[सं. ई(जी) 94ईएम 1-6]

आर. एन. मेहरोत्रा, कृत सचिव, रेलवे बोर्ड

New Delhi, the 31st March, 1995

S.O. 1026.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the constitution, the President hereby makes the following rules further to amend the Railway Service (Pension) Rules, 1993, namely :—

1. (i) These rules may be called the Railway Services (Pension) Second Amendment Rules, 1994.

(ii) They shall come into force on the date of their publication in the Official Gazette.

(iii) In rule 11 of the Railway Service (Pension) Rules, 1993, in sub-rule (4) and the proviso thereto for the words 'sixty days' the words 'ninety days' shall be substituted.

[No. E(G)94 EM1-6]

R. N. MEHROTRA, for Secy., Railway Board

वस्त्र मंत्रालय

नई दिल्ली, 14 मार्च, 1995

का.आ. 1027.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम 4 के अनुसरण में वस्त्र मंत्रालय के अन्तर्गत आने वाले निम्नलिखित कार्यालयों को, जिनमें 80 प्र.श. कर्मचारीवृन्द ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. केन्द्रीय रेशम बोर्ड,
यूनाइटेड मैन्शन्स,
दूसरा तल,
सं. 39, महात्मा गांधी रोड,
बेगलूर-560001
2. नेशनल टेक्स्टाइल कारपोरेशन,
(आ.प्र.क.के.एच.माह्ले) लि.,
तीमरी मंजिल, नंजप्पा मैन्शन्स,
2912, के.एच. रोड, शान्ति नगर,
बेगलूर-560027

[सं. ई-11016(2)/95-हिन्दी]

चरन दास, उप सचिव

MINISTRY OF TEXTILES

New Delhi, the 14th March, 1995

S.O. 1027.—In pursuance of Sub-Rule 4 of Rule 10 of the Official Language (Use for Official Purposes of the Union), Rule, 1976 the Central Government hereby notifies the following offices under the Ministry of Textiles whereof more than 80 per cent staff have acquired working knowledge of Hindi :—

1. Central Silk Board,
United Mansions, 2nd Floor,
39, M. G. Road,
Bangalore-560 001.
2. National Textile Corporation,
(APKKM) Ltd.,
Nanjappa Mansions, 3rd Floor,
29/2, K. H. Road, Shanti Nagar,
Bangalore-560 027.

[No. E-11016/2/95-Hindi]

CHARAN DASS, Dy. Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 3 अप्रैल, 1995

का. आ. 1028.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में आकाशवाणी महामिशनलय में (के. एवं प्र. मंत्रालय) के निम्नलिखित प्राचीनस्थ कार्यालयों को जिनके 80% से अधिक कर्मचारी

बन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है,
अभिर्भावित करती है:—

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 3rd April, 1995

S.O. 1028.—In pursuance of Sub-rule (4) of rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notify the following offices of the All India Radio (Ministry of Information and Broadcasting) the staff whereof more than 80 per cent have acquired the working knowledge of Hindi:—

1. आकाशवाणी, आगरा
2. आकाशवाणी, अहमदनगर
3. आकाशवाणी, बिलासपुर
4. आकाशवाणी, कालीकट
5. आकाशवाणी, खण्डवा
6. आकाशवाणी, ओबरा
7. आकाशवाणी, सामाराम
8. आकाशवाणी, यवतमाल
9. आकाशवाणी, बाड़मेर
10. आकाशवाणी, चित्तोड़गढ़
11. आकाशवाणी, हजारीबाग
12. आकाशवाणी, गुना
13. आकाशवाणी, धुले
14. आकाशवाणी, फैजाबाद
15. आकाशवाणी, सागर
16. केन्द्रीय फिल्म प्रमाणन बोर्ड, तिरुवनन्तपुरम

1. All India Radio, Agra.
2. All India Radio, Ahmednagar.
3. All India Radio, Bilaspur.
4. All India Radio, Calicut.
5. All India Radio, Khandwa.
6. All India Radio, Obra.
7. All India Radio, Sasaram.
8. All India Radio, Yawatmal.
9. All India Radio, Barmer.
10. All India Radio, Chittorgarh.
11. All India Radio, Hazaribagh.
12. All India Radio, Guna.
13. All India Radio, Dhule.
14. All India Radio, Faizabad.
15. All India Radio, Sagar.
16. Central Board of Film Certification, Thiruvananthapuram.

[संख्या ई-11011/1/93—हिन्दी]

प्रम कृष्ण गोगवार, निदेशक (रा. भा.)

[No. E. 11011/1/93-Hindi]
P. K. GORAWARA, Dir. (O.L.)

अन्तरिक्ष विभाग

नई दिल्ली, 24, मार्च 1995

का.आ. 1029.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अन्तरिक्ष विभाग कर्मचारियों (वर्गीकरण, नियंत्रण और अपील) नियम, 1976 में और संशोधन करने के लिए निम्नलिखित नियम बनाने हैं, अर्थात्:—

1. (1) इन नियमों का संक्षिप्त नाम अन्तरिक्ष विभाग कर्मचारी (वर्गीकरण, नियंत्रण और अपील) (संशोधन) नियम, 1993 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. अन्तरिक्ष विभाग कर्मचारी (वर्गीकरण, नियंत्रण और अपील) नियम, 1976 के अनुसूची में—

(क) “इसरो दूरमीति, अनुवर्तन और आदेश नेटवर्क (इस्ट्रेक)”, के शीर्ष के अधीन “समूह ग और समूह घ” पदों और उन्हीं संबंधित प्रविष्टियों के स्थान पर निम्नलिखित समूह ‘ग’ और ‘घ’ पद तथा प्रविष्टियाँ प्रतिस्थापित की जाय, अर्थात्:—

पद का विवरण	नियुक्ति प्राधिकारी	शास्तियाँ अधिरोपित करने के लिए सक्षम प्राधिकारी तथा शास्तियाँ, जो उसके द्वारा अधिरोपित की जा सकती हैं (नियम 8 के संदर्भ में)	अपील प्राधिकारी
1	2	3	4
“समूह ग और घ”	उप निदेशक, इस्ट्रेक (यदि उप निदेशक न हो तो प्रशासन अधिकारी-II, इस्ट्रेक)	उप निदेशक, इस्ट्रेक (यदि उप निदेशक न हो तो प्रशासन अधिकारी-II, इस्ट्रेक)	सभा निदेशक, इस्ट्रेक”;

(ख) "भारतीय राष्ट्रीय उपग्रह-1 अन्तरिक्ष खण्ड परियोजना कार्यालय (इन्स्टीट्यूट-1 एस.एस.पी.ओ.)" के शीर्ष और समूह-ख, समूह-ग और समूह-घ पदों में संबंधित विद्यमान प्रविष्टियों के लिए निम्नलिखित शीर्ष और प्रविष्टियां प्रतिस्थापित की जाय, अर्थात् :—

पद का विवरण	नियुक्ति प्राधिकारी	शास्तियां अधिरोपित करने के लिए सक्षम प्राधिकारी तथा शास्तियां, जो इसके द्वारा अधिरोपित की जा सकती हैं (नियम 8 के संदर्भ में)		अपील अधिकारी
		प्राधिकारी	शास्ति	
1	2	3	4	5
"प्रधान नियंत्रण सुविधा (एम.सी.एफ.), हसन				
समूह 'ख'				
वैज्ञानिक और तकनीकी पद	निदेशक, एम.सी.एफ.	निदेशक, एम.सी.एफ.	सभी	सचिव, अन्तरिक्ष विभाग
प्रशासनिक और अन्य पद				
समूह ग और घ	प्रशासनिक अधिकारी	प्रशासनिक अधिकारी	सभी	निदेशक, एम.सी.एफ."

[फा.सं. 2/5(1)/95-V]

श्रीमती उ. शंकर, निदेशक

नोट :—प्रधान नियमों को दिनांक 1-4-1976 के अधिसूचना सं. 2/9(12)/74-III (1) के द्वारा भारत के राजपत्र (असाधारण) भाग-II खण्ड-3 उप खंड (ii) में दिनांक 1-4-1976 को प्रकाशित किया गया और उन्हें तदनन्तर इनके द्वारा संशोधित किया गया :—

क्रम सं.	अधिसूचना सं.	दिनांक
1	2	3
1.	2/10(32)/76-1	10-02-1977
2.	2/10(32)/76-1	16-05-1977
3.	2/10(27)/76-1	01-08-1977
4.	2/7(5)/77-1	15-02-1978
5.	2/7(5)/77-1	27-05-1978
6.	2/9(12)/74-III	16-03-1979
7.	9/4(1)/80-III	26-05-1980
8.	9/4(1)/80-III	26-05-1980
9.	9/4(1)/80-III	05-09-1980
10.	9/4(1)/80-III	13-10-1980
11.	9/4(1)/80-III	13-10-1980
12.	9/4(1)/80-III	20-12-1980
13.	9/4(1)/80-III	20-12-1980
14.	2/8(1)/81-1	28-08-1981
15.	2/8(1)/81-1	16-07-1982
16.	2/9(1)/83-1 (5)	29-07-1985
17.	2/5(1)/85-5	02-01-1986

1	2	3
18.	2/9(1)/83-1(5)	02-01-1986
19.	2/5(1)/86-5	17-03-1986
20.	2/5(2)/86-5	20-10-1986
21.	2/5(1)/90-6	01-01-1991
22.	2/5(2)/86-5 (6) (बाल्यु. III)	15-11-1991
23.	2/5(1)/90-6	23-10-1992

(DEPARTMENT OF SPACE)

New Delhi, the 24th March, 1995

S.O. 1029.— In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Department of Space Employees' (Classification, Control and Appeal) Rules, 1976, namely:—

1. (1) The rules may be called the Department of Space Employees' (Classification, Control and Appeal) (Amendment) Rules, 1995.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Schedule to the Department of Space Employees' (Classification, Control and Appeal) Rules, 1976,
 - (a) under the heading "ISRO Telemetry, Tracking and Command Network (ISTRAC)", for "Group-C & Group-D" post and the entries relating thereto, the following Group C&D post and the entries shall be substituted, namely:—

Description of post	Appointing Authority	Authority Competent to impose penalties and penalties which it may impose (with reference in Rule 8)		Appellate Authority
		Authority	Penalty	
1	2	3	4	5
"Group C&D"	Deputy Director, ISTRAC (if there is no Deputy Director, Administrative Officer-II, ISTRAC)	Deputy Director, ISTRAC (if there is no Deputy Director, Administrative Officer-II, ISTRAC)	All	Director, ISTRAC";

- (b) for the heading, "INDIAN NATIONAL SATELLITE-1 - SPACE SEGMENT PROJECT OFFICE (INSAT-1-SSPO)" and the existing entries relating to GROUP-B, GROUP-C and GROUP-D POST, the following heading and entries shall be substituted, namely:—

Description of post	Appointing Authority	Authority Competent to impose penalties and penalties which it may impose (with reference in Rule 8)		Appellate Authority
		Authority	Penalty	
1	2	3	4	5

"MASTER CONTROL FACILITY (MCF), HASSAN

Group-B

Scientific and Technical posts Administrative and other posts	Director, MCF	Director, MCF	All	Secretary, Department of Space
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Group C & D

Administrative Officer

Administrative Officer

All

Director, MCF"

[F. No. 2/5(1)/95-V]

Smt. U. SANKAR, Director

Note: Principal Rules were published vide Notification No. 2/9(12)/74-III(I) dated 1-4-1976 in the Gazette of India (Extraordinary), Part-II Section 3 sub-section (i) dated 1-4-1976 and have been subsequently amended by :

Sl.No.	Notification No.	Dated
1.	2/10(32)/76-I	10-02-1977
2.	2/10(32)/76-I	16-05-1977
3.	2/10(27)/76-I	01-08-1977
4.	2/7(5)/77-I	15-02-1978
5.	2/7(5)/77-I	27-05-1978
6.	2/9(12)/74-III	16-3-1979
7.	9/4(1)/80-III	26-05-1980
8.	9/4(1)/80-III	26-05-1980
9.	9/4(1)/80-III	05-09-1980
10.	9/4(1)/80-III	13-10-1980
11.	9/4(1)/80-III	13-10-1980
12.	9/4(1)/80-III	20-12-1980
13.	9/4(1)/80-III	20-12-1980
14.	2/8(1)/80-I	28-08-1981
15.	2/8(1)/80-I	16-07-1982
16.	2/9(1)/83-I(V)	29-07-1985
17.	2/5(1)/85-V	02-01-1986
18.	2/9(1)/83-I(V)	02-01-1986
19.	2/5(1)/86-V	17-03-1986
20.	2/5(2)/86-V	20-10-1986
21.	2/5(1)/90-VI	01-01-1991
22.	2/5(2)/86-V (VI)(Vol.-III)	15-11-1991 2-310-1992
23.	2/5(1)/90-VI	

इस्पात मंत्रालय

नई दिल्ली 16 मार्च 1995

का.आ. 1030 :—राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित, 1987) के नियम 10 के उपनियम (4) के अनुसरण में केन्द्रीय सरकार एतद्वारा महाराष्ट्र इलेक्ट्रोस्मैल्ट लिमिटेड, चण्डरपुर (स्टील अथॉरिटी आफ इण्डिया लिमिटेड की सहायक कंपनी) के निम्नलिखित कार्यालयों को जिनके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

- (1) महाराष्ट्र इलेक्ट्रोस्मैल्ट लिमिटेड ए. डी. वी. डब्ल्यू. जी सोमनवार बंगली, दूसरी मंजिल, प्लॉट नं. 94, केनाल रोड, रामदास पीठ, नागपुर, महाराष्ट्र।
- (2) महाराष्ट्र इलेक्ट्रोस्मैल्ट लिमिटेड, निर्माण, 10वीं मंजिल, नरीमन प्वाइंट, बम्बई-400021, महाराष्ट्र)

[म. ई.-11011(1)/95-हिंदी]

हंस कुमार जैन, उप सचिव

MINISTRY OF STEEL

New Delhi, the 16th March, 1995

S.O. 1030.—In pursuance of sub rule (4) of Rule 10 of the Official Language Use for Official Purpose of the Union Rules, 1976 (As amended, 1987) the Central Government hereby notifies the following offices of the Maharashtra Electrosmeelt Limited, Chander Pur (A Subsidiary of Steel Authority of India Limited) whereof more than 80 per cent staff have acquired working knowledge of Hindi :—

1. Maharashtra Electrosmeelt Limited A.D.V.W.G. Somatwar Bungalow, Second Plot No. 94, Kennal Road, Ram Das Peeth, Nagpur (Maharashtra).
2. Maharashtra Electrosmeelt Limited "Nirmal" 10th Floor Nariman Point, Bombay-400 021 (Maharashtra).

[No. E-11011(1)/95-Hindi]

H. K. JAIN, Dy. Secy.

श्रम मंत्रालय

नई दिल्ली, 20 मार्च, 1995

का. आ. 1031 :—जबकि केन्द्रीय सरकार का मत है कि परमाणु ऊर्जा के विनिर्माण अथवा उत्पादन में लगे उद्योग को सार्वजनिक हित में औद्योगिक विवाद

अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची में जोड़ना समीचीन है।

अब, इस प्रकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 40 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार उक्त अधिनियम में क्रम सं. 27 के पश्चात् प्रथम अनुसूची में निम्नलिखित भेद जोड़ती है, अर्थात्:—

“28. न्यूक्लियर ईंधन शयवा सघटकों, भारी पानी और सम्बन्ध रसायनों, तथा परमाणु ऊर्जा का विनिर्माण अथवा उत्पादन करने वाले औद्योगिक प्रतिष्ठान।”

[सं. एस-11014/1/93-आई आर (पी एल)]

ए. घोष, संयुक्त सचिव

MINISTRY OF LABOUR

New Delhi, the 20th March, 1995

S.O. 1031.—Whereas the Central Government is of opinion that it is expedient in the public interest to add to the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) the industry engaged in the manufacturing or production of Atomic Energy.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 40 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby adds the following item to the First Schedule to the said Act after Serial No. 27, namely:—

“28. Industrial establishments manufacturing or producing Nuclear Fuel and Components, Heavy Water and Allied Chemicals, and Atomic Energy”.

[No. S-11014/1/93-IR(PL)]

A. GHOSH, Jt. Secy.

नई दिल्ली, 20 मार्च, 1995

का. आ. 1032.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के संबंधित के संबंध नयोजक और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण 2, बंबई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-3-95 को प्राप्त हुआ था।

[संख्या एल-12012/257/90-आई आर (बी-2)]

वी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 20th March, 1995

S.O. 1032.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Bombay as shown in the Annexure in the industrial Dispute between the employers in relation to the management of Bank of India and their workmen, which was received by the Central Government on 20-3-95.

[No. I-12012/257/90-IR-(B-II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri S. B. Panse, Presiding Officer

Reference No. CGIT-2/40 of 1990

Employers in relation to the Management of Bank of India.

AND

Their Workmen

APPEARANCES :

For the Employers.—Mr. L. L. D'Souza—Representative.

For the Workman.—Mr. M. B. Anchan, Advocate.

Bombay, dated 17th February, 1995

AWARD

PART-I

Shri J. M. Dhawade was employed as a Sepoy-cum-Hamal with the Bank of India, Branch Panchal. One Shri C. K. Labdhe one of the Bank's Customers at that branch made a complaint about Mr. Dhawade. It was reported that the workman accepted Rs. 150 from Labdhe for depositing in his loan account on 12-10-1983. He passed the Bank's stamped receipt with his signature/initials to the customer believing him that the said amount has been duly deposited in his account. Afterwards, the workman did not handover the amount received thereof to the Cashier for further transaction. Thus the workman misappropriated the amount himself with dishonest and mala fide intention to deceive the Bank. The charges were levelled against the workman and a domestic enquiry was started. In the domestic enquiry he was held to be guilty and the Enquiry Officer sent a report accordingly. He was dismissed from the service.

2. The workman contended that the alleged incident took place on 20-10-83 but he was served with the charge sheet on 14-3-85, i.e., after a lapse of about two years involving too much delay. He pleaded that the principles of natural justice were not followed in the departmental enquiry and he was not allowed to be represented through a representative. He pleaded that he pleaded guilty before the Enquiry Officer on the basis of the assurance given to him that a mercy would be shown to him. It is averred that the Enquiry Officer failed in his duties to ascertain whether the workman wants to be represented through a representative or any legal Practitioner. As such the whole enquiry was initiated.

3. The workman contended that the punishment awarded to him is disproportionate to the alleged proved charges. It is discriminatory.

4. The workman was dismissed from the service. He raised an industrial dispute which came to be referred to this Tribunal by the Government of India, Ministry of Labour, New Delhi for adjudication in the words given below:—

SCHEDULE

“Whether the action of the management of Bank of India in dismissing Shri J. M. Dhawade sub-staff is justified? If not to what relief the workman is entitled?”

5. The workman prayed that the order of dismissal may be set aside and the Bank may be directed to reinstate him with continuity in service and with full back wages and other reliefs.

6. The Bank-Management resisted the claim by their written statement exh. 3. It is contended that the workman had committed gross mis-conducts and by the letter dtd. 24-2-84, he admitted the guilt. He later on deposited the amount of Rs. 150 in the account of Shri Labdhe. He was served with a show cause notice but he did not reply to the same. A reminder was also sent to him but it was of

no use. Then the departmental enquiry was started wherein he pleaded guilty. It is therefore the Enquiry Officer thought it fit not to proceed further and submitted his report which was accepted by the Disciplinary Authority and the proposed punishment of dismissal was imposed and sent to him and later on he was dismissed from the service. It is averred that the appeal which was delayed was also heard by the Appellate Authority. It was also rejected.

7. The management contended that the principles of natural justice were followed at the relevant time. It is denied that the workman was not given an opportunity to represent his case. It is submitted that the pleas taken by the workman are not correct and deserves to be rejected.

8. My Predecessor framed issues at exh 4. The issue no. 1 is to be tried as a preliminary issue. The issue and my finding thereon is as under : —

Issue

Finding

1. Whether the inquiry held against the workman was not held properly by the Inquiry properly Officer ?

REASONS

9. Mr. J. M. Dhawade (exh. 13) the workman affirmed that at the fag end of the Banking hours Shri Labdhe the Bank's customer had come to the Bank for depositing Rs. 150 in his loan account on 12-10-82. Since the clerk was not there, as a practice accepted the amount and passed the receipt for the said amount. He affirmed that he was busy on that day and due to the long interval he inadvertently forgot to handover to cash and voucher to the cashier on the same day. The next day he was on leave and continued to be on leave for a long term, resulting into forgetting the amount to be deposited in Labdhe's account. He said that he had no intention to cheat the customer or the Bank. He admitted that he had no authority to collect the amount from the Customer and issue receipts but he was doing that work on the oral permissions of the Bank which cannot be accepted at all.

10. The workman admits to have signed the letter (exh. 6/4) returned to the management dated 22-2-84. On perusal of this letter it can be seen that he had admitted to have received the amount from the customer and had not deposited the same immediately. It can be seen further that by this letter he admitted to deposit the amount on 28-2-84 but it appears that he deposited the same on 2-3-84. This letter can be said to be the admission of the workman regarding the guilt.

11. The management had issued a show cause notice (exh. 3/5) to the workman on September 14, 1984. The workman received the same but did not reply to the same. Later on the management send a reminder (exh. 6/6) dtd. 7-11-84 to the workman. It met with the same consequences.

12. The management decided to have a departmental enquiry against the workman. It served a chargesheet (exh. 6/1) dtd. 14-3-85 to the workman. Shri U. S. Pradhan (exh. 14) is the enquiry Officer.

13. Pradhan affirmed that he read out the chargesheets both in english & Marathi to the workman and confirmed that he understood the same. Thereafter the workman admitted the charges levelled against him in the said chargesheet and offered to give his additional statement. The settlement was recorded in the Proceeding in marathi. Later on, it was signed by the workman, and the Enquiry Officer and the Presenting Officer Mr. Gore. The enquiry proceedings (exh. 6/2) dtd. 4-7-85 were prepared. Those enquiry proceedings are signed by the workman, the Enquiry Officer as well as by the Presenting Officer. Dhawade admits the same.

14. Shri Gore (exh. 15) the Presenting Officer corroborates the Enquiry Officer and submits that the chargesheet was explained to the delinquent in marathi, upon which he accepted the guilt voluntarily he affirmed the earlier statement of the workman was recorded correctly. He denied the suggestion that the plea was not voluntary.

15. Patwardhan gave his report (exh. 6/3) on 4-7-85. He reported that the charges levelled against workman are proved. A show cause notice was given to the workman on 10-9-85 (exh. 6/7) in respect of the proposed punishment. Thereafter the personal hearing was given to the workman on 27-9-85 and it was in marathi. It is signed by the workman (exh. 6/8). The Disciplinary Authority did not accept the contention and passed the final order of dismissal which is at exh. 6/9. It was in the year 1985.

16. It is not in dispute that after about three years the workman preferred an appeal and that too on August 2, 1988 (exh. 6/10). The appeal was considered by the Appellate Authority and he passed the final order in if rejecting the same on 7-8-89 (exh. 6/11).

17. Mr. Anchan the learned Advocate for the appellate tried to argue that the workman was not given an opportunity to be represented through an advocate. He was not informed the procedure in respect of the departmental enquiry. To substantiate this argument he placed reliance on the admissions given by the Enquiry Officer Pradhan in his cross-examination namely that "It is a fact that I did not ask the workman whether he wants to be represented through a representative as it was already covered in the charged signed by Him". No doubt in the chargesheet (exh. 6/1) there is no mention in respect of the appointment of representative by the workman from the union or from the Advocate. That does not mean that any prejudice is caused. It can be further seen that eventhough in the statement of a representative or that of the Advocate which is contemplated under clause 19.12 of the Bipartite Settlement comes into the picture where there is examination in chief and the cross-examination of the witness. It comes into picture when there is something to be said in respect of the documents on the record or production of the documents on the record. But here in this particular case that was not arrived at all. It is not the case of the workman that he gave the application for allowing him to be represented through the Advocate or through some representative which was rejected. It can be further seen that eventhough in the statement of claim this plea is taken into evidence, there is nothing said about it. No prejudice is caused to the workman for not asking the questions where he wants to engage an advocate or to be represented through anybody else. The statement of Pradhan does not appear to be a correct one. But that does not mean any prejudice is caused to the worker.

18. It is tried to argue that the recording is in english and therefore the workman could not understand the same. Patwardhan and Gore corroborated each other and affirmed that the chargesheet was explained to the workman in Marathi. From the perusal of the chargesheet it can be seen that it was also explained in marathi. Not only that, after accepting the guilt the workman had given a statement which is recorded in Marathi. There is a clear cut admission of the guilt. He had given his explanation for the guilt in that statement. It clearly goes to show that the workman followed the chargesheet and the charges levelled against him and no prejudice is caused.

19. It is tried to suggest that the Enquiry Officer had not taken into consideration whether the plea is voluntary or not. From the testimony of Patwardhan and Gore it is very clear that the plea is voluntary. It can be seen that by the letter dtd. 24-2-84 for the first time he accepted the guilt. Later on a show cause notice was given to him on 14-9-84. But if really the earlier plea was taken with undue influence then he had an opportunity to do some thing in the matter. But he had not done anything in the matter. It can be further seen that when the Enquiry Officer asked him in respect of the charges, he again admitted the guilt. Therefore by no stretch of imagination it can be said that it was obtained by undue influence or by giving him assurance that his matter will be dealt sympathetically. The learned representative of management had placed cannon of authorities submitting that there is an admission of guilt and there is no need to hold the domestic enquiry. Relying on the ratios given in the authorities namely Central Bank of India v/s Karunamoy Banerjee Supreme Court reported in 32 FJR page 481. (2) Sayed Waris Hussain v/s. Firestone Tyre and Rubber Company of India (Private) Ltd. and another Bombay High Court Division

Bench—reported in 1966 I LLJ page 292, (3) Hindustan Aeronautics Ltd. v/s. B. Gulab Singh and others—Karnataka High Court—reported in 68 FJR page 132 (4) Hindustan Aeronautics Ltd. v/s. Shanmugam & Another—Karnataka High Court Division Bench reported in 1992—II LLJ—page 265. (5). The Associated Cement Co. Ltd., v/s. Abdul Gaffar and another—Rajasthan High Court—reported in 1980 LIC page 883 there is no need in the present case to proceed with further procedure of the domestic enquiry namely examination of the witnesses and the other things. The admission of the guilt of the workman is sufficient to prove the charges levelled against him. The Enquiry Officer gave his report with full reasons. It can be further seen that the Disciplinary Authority had given the workman a personal hearing on 27-9-85. Before him also there is no contention of the workman that the plea was obtained by fraud. The Disciplinary Authority after discussing the matter had imposed the punishment.

20. It can be seen that as required the workman had not filed an appeal against the order within the stipulated period. He filed the same after a lapse of three years. But the Appellate Authority had taken a sympathetic view in the matter and considered the same. It rejected the appeal with reasons thereon. The explanation given by the workman was not accepted.

21. For all these reasons, I find that the departmental enquiry held against the workman is just and proper and the issue is answered accordingly.

ORDER

The enquiry held against the workman by the Enquiry Officer is proper.

Dt. 17-2-95.

S. B. PANSE, Presiding Officer

नई दिल्ली, 20 मार्च, 1995

का.आ. 1033.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, कानारा बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-95 को प्राप्त हुआ था।

[संख्या एल 12012/415/91आईआर (बी-2)]
बी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 20th March, 1995

S.O. 1033.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workmen, which was received by the Central Government on 16-3-95.

[No. L.12012/415/91-IR(B-II)]
V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

I.D. R. No. 32/92

BETWEEN

President Indian National Bank Employees Federation
Ltd., Sarojani Colony, Yamuna Nagar.

AND

The Deputy General Manager, Canara Bank, Sector 34,
Chandigarh.

Ref. U/S 10(1)(d) Industrial Disputes Act.

PRESENT:

Rep. of parties.

AWARD

Dated, the 6th February, 1995

The brief facts relevant for the disposal of the present reference are that petitioner S. C. Dutta was an employee of Laxmi Commercial Bank. The Laxmi Commercial Bank was amalgamated in Canara Bank w.e.f. 24-8-85 vide notification No. F. 17/12/85-B.O.III(i). All the service conditions of the employees of erstwhile Laxmi Commercial Bank were to be regulated by the rules of Canara Bank. The management of Canara Bank did not grant special increment to the petitioner owing to the family operation of his wife under incentive to the employees for adopting small family scheme, which necessitated raising of the present dispute by the petitioner.

2. In the wake of the industrial dispute under section 10(1)(d) of Industrial Disputes Act, 1947 (hereinafter referred to as the Act), the Central Government vide its letter No. L-14012/415/91-IR(B-II) dated 30-3-92 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Canara Bank in not granting the incentive increment (personnel pay) benefit to workman Shri S. C. Dutta w.e.f. 1-10-85 is just, fair and legal, if not, to what relief is the workman entitled to?"

3. The case set up by the petitioner, in brief, in so far as relevant, is that he was President of the Indian National Bank Employees Federation. He was employee of Lakshmi Commercial Bank which was amalgamated in Canara Bank. After amalgamation he became the employee of transferee bank for all intents and purposes. According to the petitioner his wife was operated for laproscopic tubal ligation on 8-2-84. The bank declared incentive to the employees for adopting small family norms vide its circular No. 139/84 dated 21-3-84, according to which he is entitled to get incentive benefits contained in the said scheme, but the management has denied the same despite several representations by the petitioner. In all it has been alleged that the petitioner is entitled for all the benefits under the scheme of Incentives to Employees for Adopting Small Family Norms, Ex. W3, (hereinafter referred to as 'scheme'). On the footing of aforesaid pleadings the petitioner claimed all the benefits under the scheme as mentioned above.

4. The management has contested the claim of the petitioner and filed written statement inter alia pleading certain preliminary objections of maintainability of the reference petition, on the ground that the petitioner was an employee of erstwhile Lakshmi Commercial Bank which merged with Canara Bank w.e.f. 24-8-85. The service conditions of Canara Bank were extended to the employees of the erstwhile Lakshmi Commercial Bank w.e.f. 1-10-85. However it is admitted that the management of Canara Bank introduced the impugned scheme. The management has specifically admitted that the spouse of the petitioner under went an operation for laproscopic tubal ligation on 8-2-84. However, it was alleged that since the date of operation was prior to the effective date of extending service conditions of Canara Bank to the employees of erstwhile Lakshmi Commercial Bank so the petitioner is not entitled for any benefit under the increment scheme. It will not be out of place to mention here that the management has stoutly denied the entitlement of the petitioner in its written statement. That being so, the management prayed for dismissal of the reference petition.

5. The petitioner, in order to substantiate his claim, appeared as his own witness as W1 and also tendered into evidence his affidavit Ex. W1, reiterating that he is entitled for the benefit under the scheme. He has also tendered into evidence medical certificate Ex. W1 incentive scheme dated 21-3-84 Ex. W3, representations dated 24-8-90, 27-10-90, 27-11-90, 8-12-90 and 7-1-91 Ex. W4, W6, W7, W8 and W9, reply dated 10-9-90 Ex. W5 27-11-90 Ex. W7, failure report of

Asst. Labour Commercial as Ex. W10 and W11. The management, on the other hand, in order to rebut the evidence brought on record by the petitioner, examined Shri R. Venugopal as MW1, who has tendered into evidence his affidavit Ex. M1, supporting the case of the management that the petitioner is not entitled for any relief.

6. After hearing Rep. of the parties, having gone through the evidence on record and after considering the matter deeply, to my mind the reference petition deserves acceptance. As indicated earlier, according to the petitioner he is entitled to the benefits as contemplated under the scheme (Ex. W3) owing to family operation of his wife. He has so stated in his affidavit Ex. W7, Ex. W2 is copy of medical certificate dated 7-10-87 to the effect that Smt. Shashi Dutta wife of Subash Dutta was operated upon for laproscopic tubal ligation on 8-2-84 in Government Hospital, Gandhi Nagar, Jammu. Ex. W4, W6, W8 and W9 are the representations of the petitioner to the management, claiming the impugned incentive and Ex. W6 and W7 are the replies of the bank. On the other hand, according to the management, the petitioner is not entitled for any benefits applicable to employee of Canara Bank, as he was the employee of Erstwhile Lakshmi Commercial Bank. The management has so stated in its affidavit Ex. M1. Thus it would be seen that the facts of the case are neither intricate nor in dispute and the bare perusal of the evidence on record mentioned above would go to show that the petitioner was a permanent employee of Erstwhile Lakshmi Commercial Bank, his wife had undergone operation of laproscopic tubal ligation. Ex. W3 is the scheme of incentive to employees for adopting small family norms. According to it, an employee who adopts small family norms, would be entitled for leave benefits, cash incentive and incentive of increment benefit. Now the short and significant question, though important, arises for determination in this case is whether the benefits contained in scheme Ex. M3 of Canara Bank can be extended to employees of Canara Bank can be extended to employees of Erstwhile Lakshmi Commercial Bank.

7. The sole contention of Rep. of management that as the petitioner was an employee of Lakshmi Commercial Bank and cannot claim benefits of the employees of Canara Bank, is not only devoid of merit but misplaced as well. It may be mentioned here that even the management of Canara Bank has denied this benefit to the petitioner only on that account, which is clear from their reply Ex. W5 and W7. The Government of India, Ministry of Finance vide Notification No. F. 17/12/85-B.O. III(i), allowed amalgamation of Lakshmi Commercial Bank into Canara Bank, in exercise of powers conferred under section 45 of Banking Regulation Act, 1949. The Central Government specified the 24th August, 1985 as the prescribed date for amalgamation of the Lakshmi Commercial Bank with Canara Bank, as sanctioned by the Central Government, vide which all the assets and liabilities of erstwhile Lakshmi Commercial Bank were transferred to the Canara Bank. Para 10 of this notification postulates that all the employees of transferor bank shall continue in service and be deemed to have been appointed by the transferee bank, at the same remuneration and on the same terms and conditions of service as were applicable to such employees immediately before the close of business on 27th April, 1985. Second proviso to this para, further provides that transferee bank shall in respect of the employees of the transferor who are deemed to have been appointed as employees of the transferee bank, be deemed also to have taken over the liability, while in service of transferee bank. The combined reading of the entire amalgamation scheme would leave no manner of doubt that all the employees (including the petitioner) of erstwhile Lakshmi Commercial Bank would be deemed to be employees of Canara Bank and they would be entitled to all the service benefits, admissible to the employees of Canara Bank. This benefit cannot be denied to the petitioner under the scheme only on the ground that the scheme Ex. W3 is dated 21-3-1984, while the wife of the petitioner was operated on 8-2-1984, because the bare perusal of the scheme Ex. W3 would reveal that no contemplated specific date of operation has been mentioned, so as to debar the petitioner of the benefits under the scheme. Only the adoption of small family is a condition precedent for claiming the benefits under the scheme. Admittedly the petitioner has adopted the small family norms and the essential ingredients of the scheme are complete in the present case. So

the petitioner is also entitled to the benefits postulated under the scheme.

8. Thus to my mind, the management of Canara Bank cannot legally deny the benefits as contemplated in the scheme Ex. W3 on that account. It is now well settled that such benefits cannot be denied to the employees on hypertechnical grounds. Reliance in this regard has been rightly placed by the rep. of the petitioner on judgement dated 27-7-1994 of Hon'ble Punjab & Haryana High Court in Civil Misc. No. 4432 of 1993 in CWP No. 1503 of 1990.

9. In the light of aforesaid reasons, it is held that the petitioner is also entitled for all the benefits as contemplated under scheme Ex. W3 and the action of the management of Canara Bank in denying the same to the petitioner is unjust and illegal. Consequently, the reference petition is hereby accepted with cost of Rs. 200. The management is directed to grant all the incentive as contemplated under Scheme Ex. W3 to the petitioner within two months from the publication of the Award, failing which the petitioner shall also be entitled to interest @ 12 per cent per annum from the receipt of the reference till the realisation of the amount. The Award be submitted to appropriate Government File be consigned to record.

Chandigarh,

6-2-1995.

M. S. SULLAR, Presiding Officer

नई दिल्ली, 20 मार्च, 1995

का. आ. 1034—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सेन्ट्रल बैंक ऑफ इंडिया के प्रबन्धन के संलग्न नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चाण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-95 को प्राप्त हुआ था।

[संख्या एल. 12012/252/91 आई आर (बी—2)]

वी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 20th March, 1995

S.O. 1034.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CEN Bank of India and their workmen, which was received by the Central Government on 16-3-1995.

[No. L-12012/252/91 IR(B-II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT, CHANDIGARH

Case No. ID 6192

Yudhishtar Vs. Central Bank of India.

For the workman : Workman in person.

For the management : Shri Yogesh Jain

AWARD

Dated : 2-2-1995

The brief facts relevant for the disposal of present reference are that the petitioner Yudhishtar was working as

Assistant Cashier with Central Bank of India. The management of the Bank did not absorb him Assistant Cashier and shunted him out. He raised a industrial dispute No. 3 of 1976. During the pendency the said reference, the management of Central Bank of India, and the representative of All India Central Bank Staff Federation arrived at a settlement dated 31st Aug., 1976 (Ex. M2). When the earlier case came up for hearing before Shri D. D. Gupta, the then learned Presiding Officer Central Govt. Industrial Tribunal, a memorandum of settlement was jointly filed. The ID No. 3/76 was according disposed of in view of the memorandum of settlement award dated 29-9-1976 (Ex. M3). There was a clear stipulation in the memorandum of settlement that the petitioner would not claim any benefit of past service. The management did not oblige him which necessitated filing of the present reference by petitioner.

In the wake of industrial dispute raised the petitioner U/S 10(1)(d) of the I.D. Act 1947 (hereinafter to be referred as the Act, the Central Govt. vide L-12012/252/91-IR(B-2) dated 17th February, 1992, has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Bank of India in not taking the temporary service into consideration for the purpose of benefits entitled under para 20 : 8 of B. p. Settlement to Shri Yudhishtar is justified? If not, to what relief is the workman entitled?”

The case set up by the petitioner in brief in so far as relevant is, that although he has worked with the management, when he was initially appointed, before his termination, but the management has not given him the benefit of earlier service. According to him, he would be deemed to have been in continuous service of the bank, since 8th July 1968, the 1st day of his initial appointment. Levelling a variety of allegations, against the management it is alleged that the management has not paid him his wages allowance etc. which were withheld/denied. On the footing of aforesaid pleadings, in all the petitioner, claimed all consequential benefits of his previous service.

The management has contested the claim of the petitioner and filed the written statement in-er-alia pleading certain preliminary objections of maintainability of the reference petition, objection of estoppel and laches. According to the management, the earlier dispute raised before the Industrial Tribunal culminated into a ‘no dispute award’ on the basis of settlement. As the dispute, having been finally settled and it can be allowed to re-agitated again, by the petitioner. It is also alleged that the petitioner has concealed and suppressed the material facts, as he had earlier raised similar dispute in the year 1985 by changing his affiliation to the present Union. The petitioner manages to close the said dispute on 19-7-1985.

The pleaded case of the management, on merits is that the alleged period of temporary service of the petitioner stood expired. Moreover the management of the Bank came out with the circular giving employment to the employees who have rendered employer service in the bank out the petitioner failed to qualify the written test. In all it has been alleged that, since the ‘No Dispute Award’ has already been passed, in law of the settlement, so the petitioner is not entitled for any relief. It will not be out of place to mention here, that the management has stoutly denied the other allegations of the petitioner. That being so, the management prayed for the dismissal of reference petitioner.

With an eye to controvert the allegations of the management and reiterating his stand, taken in the statement of claim, the petitioner filed the replication.

The petitioner, in order to substantiate his claim appeared as his own witness as WW1, who filed his affidavit Ex. W1, in which he reiterated his case.

The management in support of its plea and to rebut the evidence produced on record by the workman, examined Shri P. Singh, Chief Officer as MW1, who has entered into evidence his affidavit Ex. M1, copy of settlement, Ex. M3 copy of award dated 29-9-76, Ex. M4 copy of demand notice dated 26-4-85 Ex. M5 copy of notice of ALC dated 3-1-85.

Having heard the representatives of the parties, having gone through the evidence on record and after bestow of thoughts on the entire matter, to my mind, there is no merit in the reference which deserved to be dismissed.

As indicated earlier, According to the petitioner as he had worked with the management before his termination and he will be deemed to have been in continuous service of the bank and entitled to all the benefits of his previous service. He has so stated in his affidavit Ex. W1. The petitioner while appearing as WW1 has categorically admitted in his cross-examination, that no dispute award had already been passed on 29-9-76 in his presence and in the presence of his representative Tara Chand Gupta. The said award was never challenged by him. MW1 has further admitted that he was given fresh appointment on 24-11-1976 in pursuance of the said no dispute award. He had put in temporary service from 8-7-68 to 29-5-69 with breaks. He had appeared in the test but he could not qualify. On the other hand, according to the management, although the petitioner did not qualify the required test but still he was taken in service in a pursuance of the settlement Ex. M3 so he is not entitled for any benefit as it is specifically mentioned in the settlement that the petitioner will not claim back date wages and benefits of back dated appointment. Ex. M3 is the Award dated 29-9-76 in ID No. 3 of 1976 which was disposed of in pursuance of the settlement Ex. M2, Ex. M4 is the copy of demand notice dated 26-4-1985 earlier raised by the petitioner which, admittedly, was withdrawn. Thus it, would be seen that the bare perusal of the evidence on record would go to show that the petitioner had initially worked from 8-7-1968 to 29-5-69 intermittently, when his services were terminated. He did not qualify the test but still he was re-employed in pursuance of the settlement. In the settlement, it has been specifically mentioned that the petitioner would not claim any benefit of back date appointment and back wages. The settlement Ex. M2 was implemented and acted upon in the Award Ex. M3. The petitioner did not raise any objection in the earlier award in this direction.

Now the short and significant question though, important arises for determination in this case is, whether the petitioner can claim any benefit of his earlier service after the settlement Ex. M2. The sole contention of the workman that he can claim the benefit of earlier service in the present reference, is not only devoid of merit but misplaced as well. As indicated earlier and taking the risk of repetition, it stands proved on the record that even the petitioner was re-employed by the bank in pursuance of the settlement Ex. M2, although he did not qualify the written test. There is clear stipulation in the settlement, that he will not claim any benefit of his back date appointment and back wages. On the basis of the settlement, no dispute award Ex. M3 was passed. If that is so, then, to my mind, the petitioner is estopped from claiming the benefit of past service and backwages in the present reference. Assuming for the sake of argument if the petitioner was not satisfied, with the settlement, Ex. M2, he should have taken the objection before Shri D.D. Gupta, the then, learned Presiding Officer of Industrial Tribunal at the time of passing of earlier award Ex. M3. Admittedly, he did not raise any objection and allowed the Tribunal to pass no dispute award, then to my mind, earlier award Ex. M3 can not possibly be re-opened, particularly when it had attained finality. Thus in my considered opinion, this Tribunal has no jurisdiction to re-open the earlier award.

In the light of aforesaid reasons, it is held that the petitioner can not claim any benefit of his pre-dated appointed after settlement Ex. M2, which has been implemented in no dispute award Ex. M3. Consequently, there is no merit in the reference petition, which is hereby declined. Appropriate Govt. be informed.

Chandigarh.

2-2-1995

M. S. SULLAR, Presiding Officer

नई दिल्ली, 20 मार्च, 1995

का. आ. 1035.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, केनारा बैंक के प्रबंधन के संबंध नियोजकों और

उनके कर्मचारों के बीच, अलग-अलग में विविध औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-95 को प्राप्त हुआ था।

[संख्या एन-12012/210/90 आई आर (बी-II)]

वी. के. शर्मा, डेस्क अधिकारी

New Delhi, 20th March, 1995

S.O. 1035.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of Canara Bank and their workmen, which was received by the Central Government on 16-3-1995.

[No. L-12012/210/90-IR (B II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLIAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT, CHANDIGARH
Case No. I. D. 144/90

S. C. Dutta Vs. Canara Bank

For the workman—Shri Hardial Singh

For the management—Shri K. D. Aggarwal.

AWARD

Dated, the 6th February, 1995

The matrix of the facts culminating in the commencement of the present reference are that the petitioner was appointed as clerk-cum-cashier in the year 1977, in the Laxmi Commercial Bank (hereinafter to be referred as LCB), which was amalgamated with the Canara Bank. The petitioner was charge sheeted and a domestic enquiry was held. After the domestic enquiry the competent authority imposed the penalty of stoppage of four graded increments with cumulative effect. The petitioner has challenged the action of the management in the present reference.

In the wake of industrial dispute raised by the petitioner U/S 10(1)(d) of the I. D. Act, (hereinafter to be referred as the Act), the Central Government vide No. L-12012/210/90-IR (B-II) dated 19th October, 1990, has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Canara Bank in relation to their Yamuna Nagar Branch in imposing the penalty of stoppage of 4 graded increments with cumulative effect on Shri S. C. Dutta, clerk is just, fair and legal? If not, to what relief the worker concerned is entitled to and from what dated?"

The case set up by the petitioner in brief insofar as relevant, is that he remained president of LCB Employees Union and took different issues with the management, prior to and after the amalgamation of LCB with Canara Bank. The Officers of the bank wanted to take revenge from the petitioner and he was charge sheeted and similarly M. K. Malhotra, the then Branch Manager and P. K. Nayyar accountant of Erstwhile LCB were charge sheeted, but no action was taken against them. But four increments of the petitioner with cumulative effect were ordered to be stopped. The petitioner has challenged the domestic enquiry proceedings mainly on the ground that (i) the enquiry was not conducted in a fair and proper manner as the enquiry officer was acting as enquiry officer as well as presenting officer, (ii) enquiry officer was biased against the petitioner and he did not allow him to cross-examine the witnesses of the management. He sent a letter dated 22-1-1987 for change of the enquiry officer, (iii) the enquiry officer did not supply the documents demanded by the petitioner and the enquiry was completed in a haste manner. According to the petitioner

there was not an iota of evidence to prove the charge against the petitioner and even the enquiry officer proved the documents without original documents in the enquiry proceedings. Levelling a variety of allegations, against the enquiry officer, in all it has been alleged by the petitioner that domestic enquiry conducted against him was illegal, arbitrary and was against the principle of natural justice and is vitiated. According to the petitioner, the appeal filed by him against the order of stoppage of increment to the appellate authority was also rejected without applying its mind and without appraising the evidence on record. On the footing of aforesaid pleadings, the petitioner prayed that order of stoppage of four increment be quashed, as indicated earlier.

The management has contested the claim of the petitioner and filed the written statement, inter-alia pleading that the petitioner was rightly charge sheeted before amalgamation, as per the rules of Erstwhile LCB and the petitioner did not raise any objection, whatsoever, either in the enquiry or in his appeal in this direction. It was denied that the charges against M. K. Malhotra, the then manager and P. K. Nayyar, the then accountant of Erstwhile LCB were the same and question of discrimination did not arise. The pleaded case of the management is that the enquiry has also been rejected without applying its mind and without appraising the evidence on record. On the footing of aforesaid charge sheet issued to the petitioner consist of the following six charges :—

1. He managed to get sanctioned Benami Loan of Rs. 1 Lac on 19-7-83 in the name of Shri Sardari Lal against Tata Truck ;
2. Contrary to his letter of undertaking dated 9-7-83 the applicant in connivance with Shri M. K. Malhotra Manager and Shri P. K. Nayyar got the FDR pledged as security for the above loan and encashed before the maturity although the loan of truck was outstanding.
3. He failed/did not keep his promise to give fresh FDR for Rs. 40,000 as an additional security instead he withdrew his previous FDs before maturity in connivance with Shri M. K. Malhotra and Shri P. K. Nayyar ;
4. Despite being the guarantor for truck loan of Rs. 1.50 lacs granted to Shri Sardari Lal, the applicant obstructed repayment of the said loan as per letter dated 13-11-84 written by the branch to the Area Office.
5. He obtained payments unauthorisedly and fraudulently by way of advance against LFC and leave encashment which were not due to him under the rules.
6. He took his personal file maintained by the branch and the same was returned by him on 18-12-84 after many days when many papers, particularly those relating to the leave availed by him were missing from the file. He also removed the relevant leave register and attendance register from the branch.

It is alleged by the management that subsequent to the amalgamation, the bank rightly appointed enquiry officer to enquire into the misconduct alleged against the petitioner and was permitted to be defended by a representative of his own choice. The enquiry was stretched over to the period of one year and the petitioner was afforded adequate opportunity to put forth his defence. The bank in support of the charges, examined four witnesses and produced 10 documents. On the other hand, the petitioner did not prefer to examine any witness nor produced any document in support of his defence. The enquiry officer, after taking into consideration, the evidence on record, found the petitioner guilty in respect of misconduct relating to the charges No. 1, 2, and 6. According to the management, in respect of punishment of the charge No. 1, the bank, kept the same in abeyance, as civil suit was pending against the petitioner alongwith another person. It will not be out of place to mention here that the management has stoutly denied the other allegations of the petitioner in its written statement. In all, it has been alleged, that the domestic enquiry was legally conducted, which was fair and all the rules of natural justice and procedure were followed by the enquiry

officer. That being so, the management prayed for the dismissal of the reference petition.

Controverting the allegations contained in the written statement and reasserting the stand taken in the statement of claim, the petitioner filed the replication.

The petitioner, in order to substantiate his claim, himself appeared as his own witness as WW-1, who has tendered into evidence his affidavit Ex. W-1.

The management, in order to rebutt, the evidence produced on record by the petitioner, examined K.G.C. Unnathan Officer as MW-4, who has tendered into evidence his affidavit Ex. M-1 and enquiry proceedings Ex. M-2.

The brief resume of the pleadings of the parties would reveal that the petitioner was the employee of Erstwhile LCB. He was charge sheeted vide charge sheet dated 16-7-1985. In pursuance of sub section 7 of Section 45 of the Banking Regulation Act, the LCB, was amalgamated with Canara Bank w.e.f. 24th August 1985 vide notification No. FN 17/12/85. BO III (ii) dated 23-8-85. Clause 10 of the above notification postulates that all the employees of the transferor bank would continue in service and be deemed to have been appointed by transferee bank at the same remuneration and on the same terms and conditions of service as were applicable to such employees immediately before the close of business on 27th April 1985. The natural consequences was that the service conditions and rules, of the employees of the Canara Bank, would also apply to the employees of Erstwhile LCB, as they would be deemed to be the employees of the Canara Bank, after amalgamation.

Now the short and significant question, though important arises for determination, in this case is, whether the domestic enquiry conducted against the petitioner, culminating in the punishment of stoppage of four increments, is legal and fair or is vitiated. At the outset, to my mind, it would be expedient in the interest of justice to mention here, that it is now well settled principle of law that the enquiry can not be said to have been properly held unless employee proceeded against, has been informed clearly of the charges levelled against him (ii) the witnesses are examined in the presence of the employee in respect of the charges, (iii) employee is given fair opportunity to cross-examine the witnesses, (iv) he is also given fair opportunity to examine the witnesses including himself in his defence. If he so wishes on any relevant matter and (v) enquiry Officer records his findings based with the reasons in his report.

The representative appearing on behalf of the petitioner assailing the enquiry proceedings, outrightly contended with some amount of vehemence that the enquiry was not conducted in fair and proper manner, as the enquiry officer was also acting as presenting officer. He himself has put the questions to the witnesses. The arguments in that, the disciplinary authority did not appoint any presenting officer to present the management in the enquiry proceedings, which is fatal and would vitiate the enquiry. On the other hand, the representative of the management, has urged that the appointment of the presenting officer is not a mandatory and non compliance of the same will not render the enquiry invalid. In this regard, he has placed reliance on a judgment of Hon'ble Supreme Court in Workmen in Buckingham and Carnatic Mills Madras Vs. Buckingham and Carnatic Mills Ltd. Madras 1970 (1) L.J. 26, Bharat Electronic Ltd. Vs. Kasi 1987 (2) I.L.J. 203.

Having heard the representative of the parties, having gone the judgments cited at the bar and after bestowal of thoughts through the evidence on record and having gone through on the entire matter, I can not help observing that the arguments raised on behalf of the workman are not tenable. 'strictu sensu' deserved to be ignored for the following reasons.

No doubt, according to the regulation 82(b) of the Service Code regarding the governing of disciplinary action of the employees of the Canara Bank (hereinafter referred to as the Service Code), the disciplinary authority, taking into consideration the gravity of the charges levelled against an employee may appoint, the presenting officer to present the management. The expression may used in regulation is indicative of the fact that it is the discretion of the disciplinary authority to appoint or not to appoint as presenting officer. This regulation is directory in nature. There is no justification,

to hold that appointment of the presenting officer is mandatory provision and the non-compliance of which render the enquiry invalid. Further more, in the present case, at no stage, the petitioner objected to the examination of the witnesses by the enquiry officer, nor did he insist that a presenting officer should be appointed. It has also not been shown, that how and in what manner any prejudice has been caused to the petitioner in this direction. Since the petitioner did not raise any specific objection and did not insist for the appointment of presenting officer, so he is estopped from challenging the enquiry proceedings, on that count in the present reference, particularly when it is now well recognised that there is no legal compulsion that the presenting officer should be appointed and that the mere fact that presenting officer was not appointed, did not vitiate the enquiry. Reliance in this regard has rightly been placed on behalf of the management to the judgment Workmen in Buckingham and Carnatic Mills Madras and Bharat Electronic Ltd. (Supra)

In any event, it is now well settled that the enquiry officer is entitled to put question to the witnesses for clarification, wherever it become necessary and it has been categorically, so held by the Hon'ble Supreme Court in case Munchandani Vs. Electrical and Radio Industry Ltd. Vs. Their workmen 1975(1) LLJ 391. These judgments are the complete answer to the arguments of the rep. of the workman.

Faced with the situation, attracting the attention of the Court, towards the findings of the enquiry officer, it has been urged by the rep. of the workman, that the enquiry officer himself proposed the punishment of dismissal from service in his enquiry report, which according to him, would vitiate the enquiry. Out rightly, the argument appeared attractive but when it was analysed in relation to the regulation 10 of the Service Code provides that the report of the enquiry officer shall contain the enquiry officer's finding with the reasons for the same and shall state in his opinion the employee should be exonerated or if not, which, in the light of considerations set out in Regulation 11, would be the proper punishment to be imposed upon the employee. So according to rule 10, it was the mandatory duty of the enquiry officer to give his opinion about the proposed punishment. After considering the material on record, the enquiry officer has given his opinion regarding the punishment which, however did not find favour with the disciplinary authority, who has reduced the punishment to stoppage of four increments.

Now adverting to the other arguments of the representative of the workman, that the enquiry officer has not supplied the documents to the petitioner demanded by him during the enquiry. In this regard, it may be added here that the bare perusal of the enquiry proceedings (enquiry file) would go to show that the petitioner demanded the photostat copies of the documents, on which the bank intended to rely, and the enquiry officer supplied the photostat copies of the documents relied upon by the bank. Even he has directed the petitioner to peruse (inspect) the original documents. I have gone through the enquiry file and I cannot help observing that the petitioner has raised as many objections as he could take, to delay the enquiry proceedings. Even the objection raised by the petitioner has got no direct hearing on the charges alleged against him. To my mind, the petitioner has demanded the copies of the missing documents, which has got no relevance with the charges, only in order to delay the enquiry proceedings. The judgment of Central Administrative Tribunal Calcutta in Sachindanand Singh Vs. Union of India and other 1989(2) S.L.R. 318, in which it was observed that refusal of inspection of the documents relevant to the proceedings amounts to violation of principle of natural justice, is not at all helpful to the case of the petitioner, because his representative has badly failed to show any relevant document, which was not allowed to be inspected or copy of which was not supplied to the petitioner and how the petitioner has been prejudiced in this direction.

The other argument of the representative of the petitioner, that all the allegations in the charge sheet do not constitute any misconduct and there was no material on record providing the charges against the petitioner, have no force, because taking the risk of repetition, as indicated earlier, the first charge against the petitioner was that, he managed to get sanctioned a benami loan of Rs. 150000 on 19-7-83 in the name of one Sardari Lal against Tata Truck. He pledged FDR. He stood surety and also promised the branch manager, to give the balance amount of fixed deposit of Rs. 40500 to complete the condition of head office sanction of giving the

security of total value of Rs. 70,000. The second charge against him was that contrary to his letter of undertaking dated 19-7-1983, the petitioner in connivance with other officials got the FDR in question encashed before their maturity, although the truck loan in which these were pledged is still outstanding. Charge No. 6, was to the effect that the petitioner took his personal file maintained by the bank. The said file was returned by the petitioner on 18-12-1984 after many days, when many papers, particularly those relating to the leave availed, by Shri Dutta were missing, from the file and the petitioner tampered with the official record by removing a number of papers from his personal file maintained at the branch. He also removed the relevant leave register and attendance register from the branch. Thus, it would be seen that if the contents of the charges are put together, then to my mind, it certainly constitute gross misconduct and tampering with the record.

Now the next question falls for determination is whether the charges No. 1 to 6 have been proved by the management or not. In this direction, it cannot possibly be denied that the enquiry officer has relied upon the statements of Mukesh Mahajan, Manager Canara Bank, B.M. Bajaj, manager Canara Bank, D. V. Grover Accountant, Canara Bank Yamunanagar and Shri Chabbial Singh, peon Canara Bank Yamunanagar and also relied upon loan application of Saldari Lal Ex. M1, letter of guarantee signed by the three persons including the petitioner, M2, pronote ledger (loan account registered) M3, credits slips Ex. M4, Fixed deposit ledger folio, Ex. M5, letter of the petitioner dated 19-7-1983, Ex. M6, deposit slips Ex. M7 and Ex. M8, letter of Chabbial Singh peon Ex. M9 and slip dated 22-12-1983 and voucher Ex. M10. The enquiry officer has discussed each an every document and statement of each witness in his enquiry report and came to the conclusion that charges No. 1, 2 & 6 are proved against the petitioner. The contention of the representative of the petitioner that the documents Ex. M1 to Ex. M10 have not been legally proved, is not only devoid of merit but misplaced as well, because in the domestic enquiry, the strict provisions of Evidence Act are not at all applicable. The domestic enquiry has to be conducted in accordance with the procedure as adopted by the enquiry officer, in accordance with the departmental rules. In the present case, clause 9 of the Service Code, postulates the procedure of conducting the enquiry which has been followed by the enquiry officer. The bare evidence on the record particularly the enquiry proceedings, would go to show that the enquiry officer conducted the enquiry on 29-1-1986, 21-2-1986, 22-2-1986, 30-4-1986, 20-5-1986, 21-6-1986, 25-6-1986, 8-10-1986 and 22-1-1987 and recorded the statements of four witnesses. The petitioner associated in the enquiry, he was duly represented by Shri S. K. Khanna defence representative. All the witnesses were effectively cross-examined by the defence representative. Even petitioner while appearing as WW1, has categorically admitted that there were six charges in the charge sheet served upon him. Enquiry remained ending for one year. He had participated in the enquiry in full on different dates. Enquiry proceedings are elaborate. The petitioner did not examine any witness in defence despite opportunity. The enquiry officer after considering the every aspect of the matter and the material on record, has recorded a finding of fact that charges No. 1, 2 and 6 were proved against the petitioner. As indicated earlier and again taking the risk of repetition, the enquiry officer has followed the proper procedure and his findings are based on oral as well as documentary evidence, so the observation in the judgment relied upon is K. Chalamiah Vs. D.R.M. 1990(3) SLR page 440, S.R. Farishta Vs. U.O.I. 1989 (6) SLR 18 would not come to his rescue.

The last contention of the representation of the petitioner, that the disciplinary authority did not apply its mind while imposing the penalty on the petitioner, is again neither tenable nor the judgment relied upon by in Sachidanand Singh case (supra) would advance his case in any manner, because as discussed above, the enquiry officer has proposed the punishment of dismissal from service as contemplated under rule 10 of service Code. The disciplinary authority after consideration of every aspects of the matter, has reduced the punishment from dismissal to stoppage of four increments with cumulative effect. The reduction of punishment by the disciplinary authority itself is indicative of the fact that the punishment was reduced after full application of

mind and after considering of the entire matter. So the argument has also no force.

The petitioner filed the appeal against the order of punishment of the disciplinary authority and even the appellate authority after affording the opportunity of being heard to the petitioner, rejected his appeal vide a detailed order. If the oral as well as documentary evidence brought on record during the course of enquiry is put together, then to my mind, the conclusion is unescapable that the charges No. 1, 2 and 6 were cogently proved against the petitioner. There is absolutely no reason for interfering with the finding of fact of the enquiry officer and the conclusion arrived at by the disciplinary as well as appellate authority in the obtaining circumstances of the case which are based on oral as well as documentary evidence mentioned above. The representative of the enquiry officer and the conclusion arrived at by the can not sit a Court of appeal in scrutinising the evidence and in reaching and substituting the conclusion of its own. He has rightly placed reliance on the judgement of Hon'ble Supreme Court of India in Dunlop Rubber Co. India Ltd. Vs. Their workmen AIR 1965 page 1392 in this regard. The judgement is the complete answer to the problem in hand.

Consequently, in the light of aforesaid reasons, it is held that action of the management of Canara Bank in relation to their Yamuna Nagar, Branch in imposing the penalty of stoppage of four graded increments with cumulative effect on Shri S.C. Dutta, Clerk is just, fair and legal and no interference is called for in the obtaining circumstance of the case. There is no merit in the reference petition. Same is declined. The appropriate Govt. be informed.

Chandigarh
6-2-1995

M. S. SULLAR, Presiding Officer

नई दिल्ली, 20 मार्च, 1995

का. घा. 1036.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसर्जन में, केन्द्रीय सरकार, सिड्डीकेट बैंक के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा के पंचपट की प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-95 को प्राप्त हुआ था।

[संख्या एल-12012/170/93-आईआर (बी-2)]

वी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 20th March, 1995

S.O. 1036.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kota as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workmen, which was received by the Central Government on 16-3-95.

[No. L-12012/170/93-IR(B-II)]
V. K. SHARMA, Desk Officer

अनुबंध

न्यायाधीश, औद्योगिक न्यायाधिकरण (केन्द्रीय) कोटा/राज./निर्देश प्रकरण क्रमांक घो. न्या. (केन्द्रीय)—1/1994

दिनांक स्थापित: 27/11/93

प्रसंग: भारत सरकार, अम मंत्रालय, नई दिल्ली के आदेश

क्रमांक एल. 12012/170/93/आई. आर. (बी-2)

दिनांक 16/24-11-93

औद्योगिक विवाद अधिनियम, 1947

मध्य

महासचिव, राजस्थान (स्टेट) वर्कर्स आरगनाउजेशन पॉन्ट बाक्स नं. 29, रामपुरा, कोटा।

—आर्ची यूनिटन

एवं
उप महाप्रबंधक, सिंडीकेट, बैंक आश्रम रोड, अहमदाबाद।
--प्रतिपक्षी नियोजक

उपस्थित
श्री आर. के. चावान,
आर. एच. जे. एम.

प्रार्थी यूनियन की ओर से :-- कोई उपस्थित नहीं
प्रतिपक्षी नियोजक की ओर से :-- कोई उपस्थित नहीं
अधिनियम दिनांक : 14/2/95

अधिनियम

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न
निर्देश औद्योगिक विवाद अधिनियम, 1947 की धारा 10(1)
(घ) व उपधारा (2-क) के अंतर्गत इस न्यायाधिकरण को
अधिनियमार्थ संप्रेषित किया गया है :--

"Whether the action of the management of Syndicate Bank through Dy. General Manager, Syndicate Bank, Ashram Road, Ahmedabad in not including the period of temporary service rendered by the workman for 240 days for the purpose of re-fixing his date of joining is justified and legal. If not to what relief the concerned workman is entitled to?"

2. निर्देश न्यायाधिकरण में प्राप्त होने पर दर्ज रजिस्टर किया गया व पक्षकारों को सूचना जारी की गयी। तबुपरान्त प्रतिपक्षी की ओर से अपनी उपस्थिति दी गयी जबकि प्रार्थी की ओर से दि. 26-9-94 को तारीख पेजों के नोटिस की तामील बावजूद कोई उपस्थित नहीं हुआ।

3. आज दोनों पक्षों की ओर से कोई उपस्थित नहीं। प्रार्थी पक्ष की ओर से बावजूद तामील के कोई उपस्थित नहीं हुआ और न आज दिन तक कोई क्लेम उपस्थित होकर पेश किया गया जिससे यही प्रकट होता है कि प्रार्थी पक्ष को इस प्रकरण में कोई रुचि नहीं रही है, अतः समस्त परिस्थितियों में इस प्रकरण में "विवाद रहित अधिनियम" पारित किया जाता है।

इस अधिनियम को समुचित सरकार को नियमानुसार प्रकाशनार्थ भिजवाया जाये।

आर. के. चावान, न्यायाधीश

नई दिल्ली, 20 मार्च, 1995

का. आ. 1037.--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, पंजाब नेशनल बैंक के प्रबंधन के सदस्य नियोजक की ओर उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-95 को प्राप्त हुआ था।

[संख्या एफ-12012/117/93-आईआर(बी-2)]

बी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 20th March, 1995

O.O. 1037.--In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government

hereby publishes the award of the Industrial Tribunal, Kota as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 16-3-95.

[No. L-12012/117/93-IR(B-II)]
V. K. SHARMA, Desk Officer

अनुसूचक

न्यायाधीश, औद्योगिक न्यायाधिकरण (केन्द्रीय) कोटा/राज /
निर्देश प्रकरण क्रमांक: श्री. न्या. (केन्द्रीय)-22/1993
दिनांक स्थापित : 8-9-93

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश
क्रमांक एल. 12012/117/93-आई.आर.बी-II.
दिनांक 30-8-93

औद्योगिक विवाद अधिनियम, 1947

मध्य

महामंत्री, राजस्थान (स्टेट) बैंक वर्क्स प्रायनाइजेशन,
पी.बी. 29, रामपुरा, कोटा।

--प्रार्थी यूनियन

एवं

राजस्थान प्रबंधक, पंजाब नेशनल बैंक, भरतपुर।

--प्रतिपक्षी नियोजक

उपस्थित

श्री आर. के. चावान,

आर. एच. जे. एम.

प्रार्थी यूनियन की ओर से :--

कोई उप. नहीं।

प्रतिपक्षी नियोजक की ओर से :--

श्री डा. डी. शान्तादी

अधिनियम दिनांक : 14-2-95

अधिनियम

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न
निर्देश औद्योगिक विवाद अधिनियम, 1947 की धारा
10(1)(घ) व उपधारा (2-क) के अन्तर्गत इस
न्यायाधिकरण को अधिनियमार्थ संप्रेषित किया गया है :--

"Whether the action of the management of Punjab National Bank, Regional Manager, Bharatpur in imposing punishment of stoppage of two annual graded increments with cumulative effect on Shri Babulal, Clerk-cum-Cashier at their Kota City Branch and previously at Baran is legal and justified? If not, to what relief is the workman entitled to?"

2. निर्देश न्यायाधिकरण में प्राप्त होने पर दर्ज रजिस्टर किया गया व पक्षकारों को सूचित किया गया। प्रार्थी पक्ष की ओर से बाद तामील कोई उपस्थित नहीं हुआ जबकि प्रतिपक्षी की ओर से आज ही डा. डी. शान्तादी उपस्थित हुए। यह पचावती अक्षर 93 में इस न्यायाधिकरण में विचारधीन है परन्तु अधिक प्रार्थी पक्ष की ओर से आज दिन तक कोई क्लेम स्टेटमेंट प्रस्तुत नहीं किया गया है जिससे स्पष्ट प्रकट होता है कि अधिक पक्ष को इस प्रकरण में कोई रुचि नहीं रही है; अतः इन परिस्थितियों में इस प्रकरण में "विवाद रहित अधिनियम" पारित किया जाता है।

इस अधिनियम को समुचित सरकार को नियमानुसार प्रकाशनार्थ भिजवाया जाये।

आर. के. चावान, न्यायाधीश

नई दिल्ली, 22 मार्च, 1995

का. ग्रा. 1038.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रेल कोच फैक्ट्री के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-95 को प्राप्त हुआ था।

[संख्या एल-41012/153/92-आईआर(डोयू)बी-1]

पी. जे. माइकल, डेस्क अधिकारी

New Delhi, the 22nd March, 1995

S.O. 1038.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Rail Coach Factory and their workmen, which was received by the Central Government on the 16-3-95.

[No. I-41012/153/92-IR(DU)/B.1]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 60/94

Shri Ram Yadav Vs. Rail Coach Factory.

For the Workman : Workman in person.

For the management : Shri N. K. Zakhmi.

AWARD

Dated, the 3rd February, 1995

In the wake of industrial dispute raised by the workman U/S. 10(1)(d) of the Industrial Disputes Act, 1947, hereinafter to be referred as the Act, the Central Government vide No. I-41012/153/92-IR(DU) dated 29th July, 1994 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Rail Coach Factory, Kapurthala, in dismissing from service Shri Ram Yadav, Welder Grade-III w.e.f. 20-12-1991 is justified? If not, to what relief, the workman is entitled to and from which date?"

2. The case was received on 3-8-1994 and notices were issued to the parties for 14-11-1994. On that date, Shri N. K. Zakhmi appeared on behalf of the management, and case was adjourned to 3-1-1995. From 3-1-1995, the case was adjourned to 18-1-1995. On 18-1-1995, the workman has, moved an application for withdrawing the case, inter-alia pleading that the petitioner was relieved from his duty on 20-12-1994. Feeling aggrieved from the above-said removal, the petitioner exhausted his remedy of appeal before the Deputy C.M.E. According to the petitioner, he had already filed a petition O.A. No. 626/94 before the Central Administrative Tribunal, Chandigarh challenging his removal and the case is fixed for 2-3-1995. On that ground, the workman sought the withdrawal of the case. The petitioner has also made the following statement on 18-1-1995 :—

"Since the subject matter of present reference petition is already pending in Central Administration Tribunal so I do not want to prosecute the present reference which may be declined.

The representative of the management has no objection in this regard. In this view of the matter and in view of the application and the statement of the petitioner, the reference petition is hereby declined. The appropriate Government be informed accordingly.

Chandigarh,

3-2-1995.

M. S. SULLAR, Presiding Officer

नई दिल्ली, 21 मार्च, 1995

का. ग्रा. 1039.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.आई.आर. बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-95 को प्राप्त हुआ था।

[संख्या एल-42012/125/91-आईआर(डोयू)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 16th March, 1995

S.O. 1039.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of C.I.R.B. and their workmen, which was received by the Central Government on 16-3-95.

[No. I-42012/125/91-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 113/92

Surjit Singh Vs. Central Institute for Research on Buffaloes.

For the workman : Shri Darshan Singh.

For the management : Shri Joginder Singh.

AWARD

Dated, the 13th January, 1995

In the wake of industrial dispute raised by the workman U/S. 10(1)(d) of the Industrial Disputes Act, (hereinafter to be referred as the Act) Central Government, vide letter No. I-42012/125/91-I.R. (D.U.) dated 14/20-8-1991 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Shri Surjeet Singh w.e.f. September 1990 is justified? If not, what relief the workman concerned is entitled to?"

2. According to the petitioner, he was working as Chowkidar/Beldar with the management and has completed more than 240 days of his service, but the management has wrongly terminated his services. The petitioner has challenged his termination order by way of this reference, mainly on the ground, that his termination is clear violation of provisions of Section 25-F and 25-G of the Act. On the footing of aforesaid pleadings, the workman claimed his re-instatement with full back wages and continuity of service.

3. The management has stoutly denied the claim of the petitioner and filed the written statement inter-alia denying the allegations of the workman. That being so, the management prayed for the dismissal of the reference petition.

4. After completion of pleadings case was adjourned to 17-5-1994 for cross-examination of the workman by Shri

Arvind Kumar, the then, learned Presiding Officer vide his order dated 3-2-1994. Thereafter, many opportunities were granted to the workman to conclude his evidence. So much so that on 16-12-1994, case was adjourned for today subject to cost of Rs. 30. Today again, the workman is neither present nor any cogent explanation for his absence is forthcoming, nor the cost has not been paid by the representative of the workman. So the evidence of the workman was closed vide order dated 13-1-1995. Faced with the situation, the representative of the workman has made the following statement :

"I am the authorised representative of the workman. The workman is not interested in prosecuting the reference petition which may be declined."

5. In this view of the matter, since the workman has not produced an iota of evidence to substantiate his claim, despite many opportunities, as indicated earlier, in other words, he has nothing to support his case. Consequently, there is no merit in his reference petition, which is hereby declined. Appropriate Government be informed.

Chandigarh,
Camp Hissar,
13-1-1995.

M. S. SULLAR, Presiding Officer

नई दिल्ली, 21 मार्च, 1995

का.आ. 1040.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.आई.एस.एफ. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-95 को प्राप्त हुआ था।

[संख्या एन-42012/120/91-आई.आर. (डीयू)]
के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 21st March, 1995

S.O. 1040.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Central Institute for Research on Buffaloes and their workmen, which was received by the Central Government on 16-3-1995.

[No. L-42012/120/91-IR(DU)]
K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR
COURT, CHANDIGARH

CASE NO. 1. D. 108/92.

Sunil Kumar : Vs. Central Institute for Research on Buffaloes.

For the workman : Shri Darshan Singh.

For the management : Shri Joginder Singh.

AWARD

Dated, the 13-1-1995.

In the wake of industrial dispute raised by the workman U/S 10(1)(d) of the Industrial Dispute Act, thereafter to be referred as the Act, Central Government vide letter No. L-42012/120/91-D(UD), dated 14/20-8-1992 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Shri Sunil Kumar w.e.f.

October, 1990 is justified ? If not, what relief the workman concerned is entitled to ?

2. According to the petitioner, he was working as beldar with the management and has completed more than 240 days of his service, but the management has wrongly terminated his services. The petitioner has challenged his termination order by way of this reference, mainly on the ground, that his termination is clear violation of provisions of Section 25-F and 25-G of the Act. On the footing of aforesaid pleadings, the workman claimed his re-instatement with full back wages and continuity of service.

3. The management has stoutly denied the claim of the petitioner and filed the written statement inter-alia denying the allegations of the workman. That being so, the management prayed for the dismissal of the reference petition.

4. After completion of pleadings, case was adjourned to 15-5-1994 for cross examination of the workman, by Shri Arvind Kumar, the then, learned Presiding Officer vide his orders dated 3-2-1994. Thereafter, many opportunities were granted to the workman to conclude his evidence. So much so, that on 16-12-1994, case was adjourned for today subject to cost of Rs. 20/-. Today again, the workman is neither present, nor any cogent explanation for his absence is forthcoming, nor the cost has not been paid by the representative of the workman. So the evidence of the workman was closed vide order dated 13-1-1995. Faced with the situation, the representative of the workman has made the following statement :

"I am the authorised representative of the workman. The workman is not interested in prosecuting the reference petition which may be declined."

5. In this view of the matter, since the workman has not produced an iota of evidence to substantiate his claim, despite many opportunities, as indicated earlier in other words, he has nothing to support his case. Consequently, there is no merit in his reference petition, which is hereby declined. Appropriate Government be informed.

M. S. SULLAR, Presiding Officer.

CHANDIGARH
Camp Hissar.

13-1-1995.

नई दिल्ली, 21 मार्च, 1995

का.आ. 1041.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्टोनमेंट बोर्ड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-95 को प्राप्त हुआ था।

[संख्या एन-13011/5/93-आईआर (डीयू)]
के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 21st March, 1995

S.O. 1041.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Cantonment Board and their workmen, which was received by the Central Government on 16-3-95.

[No. L-13011/5/93-IR-(DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. I.D. 6/95

Workmen Vs. Cantonment Board.

For the workmen.—Shri Jaswant Singh
For the management.—None.

AWARD

Dated 2nd March, 1995

In the wake of industrial dispute raised by the petitioners U/S 10(1)(d) of the Industrial Disputes Act 1947, Central Govt. vide letter No. L-13011/593-IR (DU) dated 29th December, 1994, has referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of Cantonment Board, Jalandhar, Cantt. to not allowing non-matrix Tax Collectors in the scale of Rs. 950-1800 w.e.f. 1-1-1986 is legal and justified? If not, to what relief the concerned workmen entitled?"

After receipt of the reference, notices to the parties were issued for today. Shri Jaswant Singh authorised representatives of the petitioners appeared and filed his authority letter. He has also filed another application informing that the matter has already settled by the management and no dispute remains to be resolved. He has reiterated this stand in his recorded statement.

In this view of the matter and in view of the statement of the authorised representative of the petitioner, since no dispute remains to be resolved in this reference petition, so reference petition is hereby declined. Appropriate Govt. be informed.

M. S. SULLAR, Presiding Officer

Chandigarh
2-3-1995.

नई दिल्ली, 21 मार्च, 1995

का.आ. 1042.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.एस.बी.एफ. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचयट को प्रकाशित करती है, जो केन्द्रीय सरकार की 16-3-95 को प्राप्त हुआ था।

[अंतरा एल-12012/26/91-आई.आर. (डी.यू.)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 21st March, 1995

S.O. 1042.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of C.S.B.F. and their workmen, which was received by the Central Government on 16-3-95.

[No. L-42012/26/91-IR(DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER,
CENTRAL GOVT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. I.D. 133/91

Balwan Singh Vs. C.S.B.F.

For the workman.—Shri Ramnik Gupta.
For the management.—Shri Arun Walia.

AWARD

Dated, 1st February, 1995

The matrix of the facts culminating in the commencement of the present reference petition are, that the petitioner Balwan Singh was appointed as daily paid labourer by the management of Central Sheep Breeding Farm Hissar. His services were discharged. He had challenged the action of the management in terminating his services by way of the present dispute.

2. In the wake of industrial dispute raised by the workman U/S 10(1)(d) of the I.D. Act 1947, (hereinafter to be referred as the Act) the Central Govt. vide No. L-42012/26/91-IR(DU) dated 27th September 1991, has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Central Sheep Breeding Farm Hissar, in terminating the services of Shri Balwan Singh son of Shri Daya Nand daily rated watchman w.e.f. 12-3-1987 is just, fair and legal? If not, to what relief, the worker concerned is entitled to?"

3. The case set up by the petitioner, in brief in so far as relevant is that he has worked in various capacities and lastly worked as watchman. His services were illegally terminated by the management without issue of any notice or without holding any enquiry. The management did not pay him any retrenchment compensation. According to the petitioner, although he had completed more than 240 days and the post of watchman is a regular and permanent, but the management has retrenched his services without following the mandatory provisions of Section 25-F, 25-G of the Act. On the footing of aforesaid pleadings the petitioner claimed his reinstatement with full backwages and continuity of service.

4. The management contested the claim of the petitioner and filed the written statement inter-alia pleading certain preliminary objection of maintainability of the reference, on the ground that Central Sheep Breeding Farm Hissar is a subordinate unit of Govt. of India, Ministry of Agriculture and is engaged in scientific breeding of sheep with a view of improving the sheep stock of India as an approved Animal Husbandary programme. The Farm is a scientific Institution for all intents and purposes and not an 'industry' as envisaged under the Act. According to the management, the petitioner, was working as daily paid labourer and had worked from September 1980 to 12-7-87 and in receipt of wage of Rs. 20—25 per day as notified under the Minimum Wages Act 1948. His services were never terminated by the management, since the petitioner himself left the service from 13-7-1987 on his own volition therefore, question of holding any enquiry or payment of any compensation and violation of the provisions of the Act did not arise. It will not be out of place to mention here that the management has stoutly denied the other allegations of the workman. That being so, the management prayed for the dismissal of the reference petition.

5. Controverting the allegations of the management and reiterating his stand taken in the statement of claim the petitioner filed the replication.

6. The petitioner, in order to substantiate his claim appeared as his own witness as WW1, who has tendered into evidence his affidavit Ex. W1. In additional evidence the workman tendered copy of office order dated 20-6-87 Ex. W2, copy of certificate dated 23-1-1982, Ex. W3 and copy of certificate of working days Ex. W4.

The management, in order to rebut the evidence brought on record by the workman, examined Shri B. S. Rajpurohit as MW1, who has tendered into evidence his affidavit Ex. M1. It may be added here that the management has proved the certificate from Principal Govt. College Hissar as M2, in additional evidence in pursuance of order dated 17-5-94 of Shri Arvind Kumar, the then learned presiding officer.

7. The representative of the workman has contended with some amount of vehemence that, since the petitioner had completed 240 days of service till 12-7-1987, so any kind

of termination of the petitioner would amount to retrenchment. That argument is that, as the management has not complied with the mandatory provisions of the Act, so the termination is bad and the petitioner is entitled for all the consequential service benefits. He has placed reliance on a judgment in case of *Krishan Singh Vs. Presiding Officer Industrial Tribunal Faridabad* and other 1993 (4) S.L.R. page 728.

Attracting the attention of the Court towards Certificate Ex. M2, the rep. of the management urged that since, the petitioner had himself left the job and was appointed as beldar in Govt. College Hissar so the provisions of the Act are not at all attracted.

8. Having heard the representatives of the parties, having gone through the evidence on record, to my mind, there is no merit in the reference petition, which deserves to be declined.

As indicated earlier, the facts of the case are neither intricate nor in dispute. According to the petitioner, he had completed the service of more than 240 days and his services were terminated by the management without complying with the mandatory provisions of the Act. He has so stated in his affidavit Ex. W1. Ex. M1 is the affidavit brought on record by the management it has been specifically stated that petitioner had worked from September 1980 to 12-7-1987 and left the service of his own. Ex. M2 is the certificate of Principal Govt. College Hissar, where the petitioner had worked from 13-7-1987 to 30-3-1988.

Now the short and significant question, though important arises for determination in this case is, whether the services of the petitioner were terminated by the management or he himself had left the job of his own. According to the petitioner, he has worked till 12-7-1987 and later on his services were retrenched. Ex. M2 is the certificate issued by the Principal Govt. College Hissar, in which it has been certified that the petitioner was appointed against the post of beldar vide office letter No. G.C.H./Fonds/87/2598-2601 dated 9-7-1987 and he joined the college on 13-7-1987 and worked till 30-3-1988. The bare perusal of certificate Ex. M2 would go to show that the petitioner was appointed as beldar in Govt. College Hissar on 9-7-1987 and he joined there on 13-7-1987 in pursuance of letter dated 9-7-1987. Thus it would be seen, that it stands proved on the record that he worked with the management of Central Sheep Breeding Farm Hissar till 12-7-1987. Thereafter he himself abandoned the job and joined as beldar in Govt. College Hissar, in pursuance of his appointment letter dated 9-7-1987. If that is so, then, question of his retrenchment and violation of the provisions of the Act did not arise at all, as the petitioner had voluntary relinquished his job of his own volition and joined another service. The voluntary abandonment of job by the petitioner can not possibly be termed as retrenchment as contemplated U/S 2 of the Act, as the management had never terminated his service, rather he himself had voluntary relinquished his job. It was observed in *Krishan Singh* case (Supra), relied upon on behalf of the workman that striking of the name of the workman amount to retrenchment. Possibly no one can dispute about the proposition of law laid down in the said judgment, but that would not come to the rescue of the workman, because in that case, the services of the workmen were terminated and a letter (annexure R-1) was issued to them. But taking the risk of repetition, as mentioned above, in the present case, the petitioner had himself left the job on 13-7-1987 to join as beldar in Govt. College Hissar in pursuance of appointment letter dated 9-7-1987 which is clear from Ex. M2. It is now well settled that in case of voluntary relinquishment of job, there is no need to comply with the provisions of the Act. Reliance in this regard, can be placed to the judgment of Hon'ble Punjab & Haryana High Court in *Teja Singh Vs. Punjab Water Supply and Sewerage Board* and another 1993(4) R.S.J. 490, and to a judgment of Bombay High Court in case *The Managing Director Vs. Babasaheb Deshpande Patil* and another 1988 Lab. I.C. page 288. In the present case also, the management was not obliged to pay compensation or to comply with the other provisions of Chapter V-A, as the petitioner had himself voluntary relinquished his job.

Further more, the petitioner is not entitled for any relief, as he is also guilty of concealment of facts. He had never

pleaded either in his statement of claim or in the affidavit that he had joined as beldar in Govt. College Hissar on 13-7-1987 in pursuance of his appointment letter dated 9-7-1987. He has reiterated a wrong stand and even admitted in cross examination that he worked with the respondent management till 12-7-87 as he had proceeded on leave and in his absence he was removed from service. He has further admitted that he was not entitled for any leave under the rules. Taking the risk of repetition and as mentioned above, the certificate Ex. M2 is the complete answer to the case of the petitioner.

In the light of aforesaid reasons, it is held that the management has not terminated the services of the workman. On the other hand, he himself voluntarily relinquished his job and joined Govt. College Hissar, so he is not entitled to any relief, what-so-ever. The reference petition is dismissed in the obtaining circumstances of the case. Appropriate Govt. be informed.

Chandigarh.

12.1995

M. S. SULLAR, Presiding Officer.

नई दिल्ली, 21 मार्च, 1995

का.आ. 1043.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-95 को प्राप्त हुआ था।

[सं. एल-19012/34/84-डी IV (वी)]

राजालाल, ईम्क अधिकारी

New Delhi, the 21st March, 1995

S.O. 1043.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of E.C. Ltd. and their workmen, which was received by the Central Government on 16-3-1995.

[No. L-19012/34/84-D.IV (B)]

RAJA LAL, Desk Officer
ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 3 of 1985

PARTIES :

Employers in relation to the management of Kunustoria Colliery of Messrs Eastern Coalfields Limited, P.O. Toposi (Burdwan)

AND

Their Workmen.

PRESENT :

Mr. Justice K. C. Jagadeb, Roy, Presiding Officer

APPEARANCE :

On behalf of Management—Mr. R. S. Murthy, Advocate.

On behalf of Workmen—Mr. A. K. Das, Advocate.

STATE : West Bengal

INDUSTRY : Coal

AWARD

The Central Government by their Order No. L-19012/34/84-D.IV (B) dated 1st February 1985 in exercise of its

powers under section 10(2-A)(i)(d) of the Industrial Disputes Act 1947, has made the following reference to this Tribunal for adjudication :

"Whether the management of Kunustoria Colliery of Messrs Eastern Coalfields Limited, P.O. Toposi District Burdwan is justified in not giving employment to Shri Jamuna Lal, the dependant son of Shri Panjabi Lal, ex-overman of their above Colliery ? If not, to what relief, Shri Jamuna Lal, the dependant son of Shri Panjabi Lal, the ex-overman of the colliery is entitled ?"

2. The Union of the workmen, which has taken up the cause of the workman had filed its written statement alleging that the management by not providing employment to Shri Jamuna Lal, the dependant son of Shri Panjabi Lal, ex-overman of Kunustoria Colliery had denied the lawful benefit that the employees of the said colliery were entitled to under the National Coal Wage Agreement (II), which was in operation at the material time and even continued thereafter.

3. According to the Union, the employer namely the Kunustoria Colliery is an undertaking of the Government of India and was a subsidiary of the Coal India Limited, which had different units under its management and control and Kunustoria Colliery, P.O. Toposi in the District of Burdwan in West Bengal is one of such units. Colliery Mazdoor Sabha of India at Sisu Bagan, P.O. Raniganj, Dist. Burdwan is the Union of workmen in which the workmen employed in the different collieries in West Bengal and other parts of the country are members. The Union is a registered one and has members numbering about sixty thousand in the state of West Bengal. Panjabi Lal, an overman of Kunustoria Colliery of Eastern Coalfields Limited is said to be an active member of the Colliery Mazdoor Sabha of India, Kunustoria Unit. The impugned action of the management is not providing a suitable employment to his dependant son on he being found unfit permanently because of his incurable disease, is alleged to be a vindictive act directed against Panjabi Lal for his active participation in the lawful and legitimate trade union activities.

4. The wage structure and other conditions of service including the fringe benefits of the employees of the Coal industry are at present covered under the recommendations of the Central Wage Board for Coal Mining Industry as accepted by the Government of India and were made applicable with effect from 15th August 1967 and the National Coal Wage Agreement dated 11 December 1974 which may be referred to as National Coal Wage Agreement-I, came into effect from 1-1-1975 and remained in force for a period of 4 years upto 31-12-1978. The Government of India thereafter approved the setting up of Joint Bipartite Committee for the Coal Industry in consultation of the representatives of the Central Trade Unions in September 1978, and the Committee was called upon to consider and negotiate on modifications and revision of the National Coal Wage Agreement-I and the allied issues. The Committee had further discussion in June, July and August 1978 and came to an agreement in respect of the Wage scales, wage structure and other conditions of service incorporated into an agreement which is called National Coal Wage Agreement-II. The claim of the Union is made under paragraph 10.4.3 of the said National Coal Wage Agreement-II, wherein exclusive provision for employment to one dependant of a worker in his place who is permanently disabled, which reads as follows :

"10.4.3 Employment to one dependant of a worker who is permanently disabled in his place

- (i) The disablement of the worker concerned should arise from injury or disease, be of permanent nature resulting into loss of employment and it should be so certified by the Coal Company concerned.
- (ii) The dependant to be considered for employment should be physically fit and suitable for employment and aged below 35 years."

This National Coal Wage Agreement-II remained in force till 31st December 1982, whereafter National Coal Wage Agreement-III came into operation for a period of 4 years with effect from 1st January 1983. The same provisions which are contained in paragraph 10.4.3 of National Coal Wage Agreement-II continued to exist in the following National Coal Wage Agreement-III and were contained in paragraph 9.4.3 and read as follows :

"9.4.3 Employment to one Dependant of a Worker who is permanently Disabled in his Place.

- (i) The disablement of the worker concerned should arise from injury or disease, be of permanent nature resulting into loss of employment and it should be so certified by the Coal Company concerned.
- (ii) The dependant to be considered for employment should be physically fit and suitable for employment and aged below 35 years provided that the age limit shall not apply in the case of spouse."

The only change introduced in this National Coal Wage Agreement-III was in respect of age of the dependant wife, which was relaxed.

5. According to the Union, the service of Panjabi Lal, overman was terminated with effect from 9-10-1982, as he was found medically unfit to continue in his employment. Many other workmen working in the colliery along with Panjabi Lal were medically examined on 20-9-1983 by the Area Medical Board vide their circular No. A. KNT/P&IR/17/12499 dated 15/16-9-1982, issued from the office of the General Manager, Kunustoria Area of Eastern Coalfields Limited under the signature of Deputy Personnel Manager, Kunustoria Area, which has been marked Ext. W-1. The name of Panjabi Lal appear in Sl. No. 27 in the list of the workman who were required to be present before the Area Medical Board with their identity card, X-ray report etc. On 7/8th October 1982, an office order under the signature of the Agent, Kunustoria Colliery which is made Ext. W-2, was issued showing Panjabi Lal, overman found unfit for duty. The office order showed that pursuant to the Deputy Personnel Manager of Kunustoria Area's letter No. A. KNT/P&IR/17/13088 dated 27/28th September 1982, the Area Medical Board had given recommendation in their sitting held on 28th September 1982 at Area Training Centre against the names of the employees mentioned in the said list, which included the name of Panjabi Lal who was declared to be unfit for duty. The Agent of Kunustoria Colliery in the aforesaid office letter Ext. W-2 directed that the workman named therein which includes the name of Panjabi Lal to stop from duty with immediate effect and were advised to produce the names of their nominees for their medical examination at the office of the Deputy Personnel Manager, Kunustoria Area along with the attestation form in duplicate, duly filled in and certified by the competent authority alongwith the photographs of nominee in three copies and were advised to produce relationship certificate from the B.D.O. Gram Proddhan/M.I.A. etc. In the said order, direction was given to the Lamp Cabin Incharge, Kunustoria Colliery to stop duty of those employees with immediate effect who had been declared medically unfit by the Area Medical Board. This followed an office order dated 8-10-1982 from the Agent of the Kunustoria Colliery of Eastern Coalfields Limited showing that Panjabi Lal Overman alongwith 4 others had been declared unfit by the competent medical board and should be stopped forthwith from their duties positively from 9th October 1982, which has been exhibited by the workmen as Ext. W-3. By letter dated 14-1-1983 Ext. W-11 the vice president of the Union Mr. B. K. Lala, wrote to the General Manager, Kunustoria Area to expedite the case of appointment of dependant of Panjabi Lal, overman as well as that of Jitu Mahato, Loader, as they were found medically unfit and stopped from their duties vide General Manager's letter dated 27/28-9-1982. In reply on 21-1-1983, the Personnel Manager of Kunustoria Area issued a letter to Mr. B. K. Lala, vice president C.M.S.I. (CITU) of Kunustoria Colliery informing that the case of employment of dependant of Panjabi Lal Overman and another by name Jitu Mahato, Loader had been forwarded to the Mr. J. Quinsey vide their rate sheet No. A. KNT/P

&IR/1/10948 dated 22-11-1982 and 10897 dated 20-11-1982 respectively and the approval of the competent authority was awaited. This letter has been criticised by the workman as Ext. W-10. Later on Panjabi Lal by his letter dated 20-4-1983 (Ext. W-4) named the Chief Personnel Officer, Sanctoria, E.C.I. that his son Jamuna Lal had already been medically examined and all necessary documents pertaining to his employment had been forwarded to the proper authority with the recommendation of the Agent and stated to have enclosed copy of the identity card of his stating that his year of birth 1929 and he was still to continue in normal course upto 1939 and since he was starving without the job his son's case could be favourably considered.

6. The case of the management as it borne out in their written statement-cum-rejoinder filed in this case that the demand of the sponsoring Union in the present case claiming employment of the alleged dependant son of Panjabi Lal, ex-overman does not constitute an industrial dispute and the reference is accordingly bad and incompetent. Besides, the enforcement of the provisions contained in paragraph 10.4.3 of the National Coal Wage Agreement-II dated 11-8-1979 cannot be the subject matter of an industrial dispute. Eastern Coalfields Ltd. being a Government Company and being wholly financed by the Central Government is "State" for the purpose of Part III of the Constitution and as such the reference is not maintainable; that the benefit under paragraph 10.4.3 of the National Coal Wage Agreement-II is not made available to Panjabi Lal as he was on the verge of his retirement, besides the conditions that the workman must have been compelled to stop his work due to injury of disease permanent nature resulting in the loss of employment and should be so certified by the coal company was not satisfied in the case of Panjabi Lal. It was apparent in the Form 'B' Register maintained by the colliery, the date of birth of Panjabi Lal was recorded as 20-10-22 and he was to superannuate with effect from 12-10-1982 after completion of his 60th year. In the instant case Panjabi Lal was actually superannuated with effect from 12-10-1982, therefore had no loss of employment entitling his dependant son to be appointed. Panjabi Lal, even after the examination by the medical board dated 29-8-1982 continued to perform his duties in the normal manner which would show that he was not medically unfit and lastly the benefits of paragraph 10.4.3 of the National Coal Wage Agreement-II is not available to one who become disabled towards the fig end of his career of service.

7. One witness was examined on behalf of the management and two witnesses were examined on behalf of the workmen. The General Clerk of the Personnel Dept. was examined as the sole witness for the management. He proved Ext. M-1 which is Form 'B' Register of employees showing Panjabi Lal in Serial No. 3485 and shows that Panjabi Lal was a overman who was transferred from Balbad Colliery on 5-6-1978 to the present place of work but was initially appointed on 1-6-1945 and the column 4, which is meant for age and sex, it is mentioned 12-10-22. He also proved the wage sheets of the colliery showing payment for the month of September and October 1982. In his examination in chief the witness stated that from the wage sheet, it appeared that Panjabi Lal had worked for 8 normal days and 2 Sundays in October 1982. The witness also produced cyclostyled circular dated 4/5 April 1983 under the signature of G. R. Singh, Personnel Manager which speaks of the employment of one dependant of the workers who is permanently disabled in his place, which also incorporated a paragraph giving cautions that the persons concerned to discreetly investigate and if it is a genuine case of injury or disease which is of very permanent in nature and not curable and that the employee concerned is unable to perform his duty, his name only, should be referred to the medical board.

8. The witness examined on behalf of the workman included Panjabi Lal who was examined as WW-1 and the Assistant Secretary of the Union (C.M.S.I. CITU) who was examined as WW-2. Panjabi Lal as WW-1 has stated in his deposition denying his signatures in Wage sheets Ext. M-2. According to him the entries in the said wage sheets showing his period of work and payment for September 1982 and October, 1982, are not correct. According

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to him he had not worked for a single day during the periods September 1982 and October 1982. The signature of Panjabi Lal is found also in Ext. M-1 in column No. 9 which admitted to be the signature of Panjabi Lal by the sole management witness Probhat Chandra Mondal, the general clerk of the Personnel Dept. of Kunustoria Colliery. This signature in column No. 9 greatly differs with the alleged signature of Panjabi Lal in the last column of both the sheets of Ext. M-2. It is worthwhile also to mention that signature of Panjabi Lal in his deposition recorded in this Tribunal also does not tally even nearly with the alleged signature of Panjabi Lal found in the last column of both the sheets of Ext. M-2 though tallies fully with that found in Ext. M-1. Accordingly I am inclined to believe the statement of Panjabi Lal that the alleged signatures of his found in Ext. M-2 are not his.

9. The management was relying on these two wage sheets to show that Panjabi Lal had indeed worked for 10 days in the month of October 1982 and for a longer period in the month of September 1982 in order to advance an argument that since Panjabi Lal was to superannuate on 12th September 1982, he virtually did not loose much of his service even though stopped to work forthwith pursuant to Ext. M-3 dated 8-10-1982 as according to the management he would in normal course have retired on 12th October 1982 which date of superannuation is very strongly disputed by Panjabi Lal. According to him the date of birth shown in Ext. M-1, Register of employees in Form 'B' as 12-10-1922 is not correct, as his year of birth is actually 1929 which is shown in the identity card issued to him on 12-1-1955. It also transpires from the evidence of Panjabi Lal as well as from the register of employees in 'B' Form (Ext. M-1) in its column number 7 and 10 that he was transferred from Balbad Colliery on 1-6-1945. Panjabi Lal also stated in his evidence before this Tribunal that this entry in Ext. M-1 has been recorded as per his Overman's certificate and was not correct.

10 When the entry relating to the date of birth contained in the service book for some good reasons be doubted for its correctness, the enquiry to ascertain the correct date of birth becomes obligatory. Before this Tribunal, no material have been adduced by the management to show that the case of Panjabi Lal whose services were transferred from Balbad Colliery to the Kunustoria Colliery, all the necessary steps were taken by the management to ascertain the correct date of birth in the absence of any school leaving certificate. No evidence is led why the entries made in the identity card issued by the previous employer is to be ignored. Besides in the register of employees in the 'B' Form it is admitted by the MW-1 that the entries were made by one M. N. Mukherjee who was the clerk of the department. The date of birth is a question of fact and has to be ascertained on cogent evidence on record and the present reference does not include the determination of date of birth and on the facts and circumstances of the case, this date of birth is also not be determined as an ancillary fact. I therefore need not go into the determination of the same.

11. The claim of Panjabi Lal is for the employment of his dependant son on the basis of paragraph 10.4.3 of NCWA-II which does not speak that if the worker will not suffer from a substantial loss of service on account of his permanent disablement resulting out of injury or disease, the said right will not be made available. Ext. M-3 which has been proved on behalf of the management being a circular dated 4/5 April 1983 under the signature of G. R. Singh, the Personnel Manager which has given cautions to the department that the names of those workers would be sent to the medical board under NCWA-II after the authorities were satisfied that the workman was actually not in a position to perform his duty because of injury or disease. This was intended for ignoring the frivolous claims of the workmen who like to bring in their dependant in their place in the far end of their service. As has been already indicated in the present case the name of Panjabi Lal alongwith many others were sent for medical examination on 20th September 1983 by the Area Medical Board and was found permanently unfit for discharging his duties any further and the Area Medical Board recommended in their sitting dated 20th September 1982 names which included the name of Panjabi Lal and declared them to

be unfit for duty. Ext. W-2 was proved by the Union to show that the Agent of the Kunustoria Colliery directed those workmen including Panjabi Lal to stop their duty with immediate effect and they were all advised to produce the names of their nominees for medical examination at the office of the Deputy Personnel Manager, Kunustoria Area along with attestation form in duplicate duly filled up and certified by the competent authority along with photographs of nominees and were also advised to produce relationship certificate from B.D.O./Gram Pradhan/M.L.A. etc. In the said order direction was given to Lamp Cabin Incharge, Kunustoria Colliery to stop duties of these employees found unfit with immediate effect which was followed up by an official order dated 3-10-1982 from the Agent of the Kunustoria Colliery showing Panjabi Lal was declared unfit by the competent medical board and stopped forthwith from his duties positively from 9th October 1982, which is apparent from Ext. W-3. The Personnel Manager of Kunustoria Area had intimated the vice president of the Union stating that the employment of dependant of Panjabi Lal and another by name Jitu Mahato Loader had been forwarded to the Head Quarters by their note sheet dated 22-11-1982 and 20-11-1982 respectively and the approval of the competent authority was awaited. As would be apparent from Ext. W-4, the C.P.O. Sanctoria, E.C.L. had been intimated by Panjabi Lal that his son Jamuna Lal already been medically examined and all his papers were sent to the proper authority with the recommendation of the Agent and by referring to his identity card showing his date of birth as 1929 claimed that in normal course he was to continue in service till 1989 and since his family was in starvation, employment of his son be considered without further delay. The conduct of the management as aforesaid would show the stand that Panjabi Lal was not entitled to any benefit under the paragraph 10.4.3 of NCWA-II has no basis. The management was satisfied that Panjabi Lal was entitled to the benefits of the said paragraph of NCWA-II. They were also satisfied that his dependant son Jamuna Lal was also entitled to be appointed in his place pursuant to the said NCWA-II, paragraph 10.4.3 and had recommended his name to the higher authority. If they thought that Panjabi Lal was not entitled to the benefits under paragraph 10.4.3 of NCWA-II as he to superannuate in normal course without loss of service, the parafrania of his medical examination and recommendation of his dependant son's name would not have been arisen. This contention therefore is of no avail to the management.

12. During the argument, other points those were raised in the written statement of the management was not seriously urged. If the relief is otherwise available to the workman, it could not be lost just because the Coal Board is a Government of India undertaking and can be treated as "State" within the meaning of Article 12 of the Constitution. Similarly the contention that this was not an industrial dispute is of no avail because the concept of industrial dispute is too wide to cover a case of this nature. Industrial dispute is defined in Section 2(k) of the Industrial Disputes Act 1947 and reads as follows :

"2(k) "Industrial dispute" means any dispute or difference between employers and employers or between employers and workmen, or between workmen and, workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person ;"

13. In such view of the matter, I answer the reference and hold that the management of Kunustoria Colliery of M/s Eastern Coalfields Limited, P.O. Toposi, District Bardwan is not justified in refusing employment to Jamuna Lal the dependant son of Panjabi Lal, Ex-Overman of Kunustoria Colliery.

By such non-employment, Jamuna Lal has been deprived of the employment for which his name was referred to the higher authority for approval and thereby has suffered pecuniary damage. What exactly was the loss sustained by Jamuna Lal pecuniarily cannot be assessed properly as no evidence on the side of Panjabi Lal had been led as to the post for which his name was recommended and

the emolument it carried with it; nor there is any evidence from the side of the management to show that Jamuna Lal had since October 1982 had been gainfully employed elsewhere. Nonetheless, since a valuable right of a workman Panjabi Lal has been affected by the wrongful action of the management in not providing a job to his dependant son Jamuna Lal, I direct that a lump sum amount of Rs. 15,000 (Rupees fifteen thousand only) be paid to Panjabi Lal as damage for violation of his right while directing further that Kunustoria Colliery shall take immediate steps to give a suitable employment to Jamuna Lal in their colliery even if the post for which his name was recommended does not exist any more for being filled up.

The Award is made accordingly.

Dated, Calcutta,

The 6th March, 1995.

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 21 मार्च, 1995

का.आ. 1044.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एस बी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुवध से निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पक्षपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-85 को प्राप्त हुआ था।

[स. एल-22012/265/91-आईआर(सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 21st March, 1995

S.O. 1044.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of B.B.M.B. and their workmen, which was received by the Central Government on 16-3-1995.

[No. L-22012/265/94-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 156/94

Sukar Chand

Vs.

B.B.M.B.

For the workman—Shri Dhani Ram.

For the management—Shri N. D. Kalra.

AWARD

Dated, the 23rd January, 1995

In the wake of industrial dispute raised by the workman, U/S 10(1)(d) of the Industrial Disputes Act 1947, the Central Government vide letter No. L-22012/265/94-I.R. (C-II) dated 14th November, 1994, has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of BBMB not granting an opportunity of re-employment to Shri Sukar Chand as envisaged U/S 25-H is legal just

and wanted. If not, then to what relief is the workman entitled to?"

2. The reference was registered on 22-11-1994 and notices to the parties were ordered to be issued for 23-1-1995 for filing of the statement of claim by the workman. On that day, the workman instead of filing of the statement of claim, his representative has made the following statement :

"I am the authorised representative of the workman/ Union. The workman does not want to prosecute the present reference as he is gainfully employed in Irrigation Deptt. of Himachal Pradesh. The same be declined."

3. Since the workman does not want to prosecute the reference petition and no dispute remains to be resolved so in view of the statement of the rep. of the workman the reference petition is hereby declined, being not pressed. Appropriate Government be informed accordingly.

Chandigarh,

Dated : 23-1-1995.

M. S. SULLAR, Presiding Officer

नई दिल्ली, 21 मार्च, 1995

का.भा. 1045.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-95 को प्राप्त हुआ था।

[सं. एल-42012/183/89 डी-II(बी)]

राजाजाल, डेस्क अधिकारी

New Delhi, the 21st March, 1995

S.O. 1045.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the amangement of B.B.M.B. and their workmen, which was received by the Central Government on 16-3-1995.

[No. L-42012/183/89-D.II (B)]

RAJA JAL, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 33/90

Kait Ram

Vs.

Bhakra Beas Management Board.

For the Workman—Shri R. K. Singh.

For the Management—Shri S. K. Goel.

AWARD

Dated, the 3rd February, 1995

The brief facts relevant for the disposal of present reference are that petitioner was employed as Chowkidar on daily wages, his services were terminated by the Management. The petitioner has challenged his retrenchment by

way of present dispute mainly on the ground of violation of the provision of Section 25-F of the Industrial Disputes Act 1947.

In the wake of industrial dispute raised by the petitioner, U/S 10(1)(d) of the Industrial Disputes Act 1947, (hereinafter referred to as the Act), the Central Government vide its letter No. L-42012/183/89-D.II (B) dated the Nil referred the following dispute for adjudication to this Tribunal.

"Whether the action of the Management of the BBMB represented through the Chief Engineer Nangal Township in terminating the services of Shri Kait Ram, Chowkidar w.e.f. 29-11-88 is justified? If not then what other relief the workman is entitled to and with what effect?"

During the pendency of the reference petition, the parties have compromised the matter, the petitioner has made the statement, that he is prepared to forgo his claim of back wages, if the Management gives him fresh offer of appointment of Chowkidar, on regular basis. He will not claim any benefit of his service. The offer of the petitioner, has been accepted by the Management and the representative of the management has made the statement, that he is ready to offer the petitioner, fresh appointment as Chowkidar on regular basis. The Management has actually offered the fresh offer of appointment to the petitioner and faced with the situation the petitioner has made the following statement.

"I have accepted the fresh appointment as Chowkidar on regular basis I do not press my reference petition which may be declined as no dispute remains to be resolved".

Having considering the matter deeply to my mind the offer of appointment by the Management and acceptance by the petitioner and settlement arrived at by the parties is in their interest in order to maintain peace and harmony in the BBMB.

In this view of the matter and since the matter had already been settled between the parties and the petitioner had already accepted the fresh appointment as Chowkidar on regular basis so no further dispute remains to be resolved, in this reference. In view of the recorded statements of the parties, Consequently reference is disposed of accordingly. The appropriate Government be informed. File be consigned to record room.

Chandigarh,

Camp Nangal.

Dated : 3-2-1995.

M. S. SULLAR, Presiding Officer

नई दिल्ली, 21 मार्च, 1995

का.भा. 1046.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-95 को प्राप्त हुआ था।

[सं. एल-42012/176/89-आईआर डी-II(बी)]

राजाजाल, डेस्क अधिकारी

New Delhi, the 21st March, 1995

S.O. 1046.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure

in the industrial dispute between the employers in relation to the management of B.B.M.B. and their workmen, which was received by the Central Government on 16-3-1995.

[No L-42012/176/89-IR-D.II (B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 49/90

Gurdial Singh

Vs.

Bhakra Beas Management Board.

For the workman—Shri R. K. Singh.

For the management—Shri S. K. Gool.

AWARD

Dated, the 8th February, 1995

The brief facts relevant for the disposal of the present petition are that, the petitioner was employed on daily wages in the Township Division of the BBMB w.e.f. 1-8-1983. According to the petitioner, he continuously worked on daily wages as unskilled mazdoor till 11-5-1984. He was promoted as beldar/helper in the work charge capacity and in that capacity he worked from 12-5-1984 to 8-8-84 when his services were terminated. He has challenged the action of the management by way of this reference petition.

In the wake of industrial dispute raised by the petitioner U/S 10(1)(d) of the Industrial Disputes Act 1947, (hereinafter to be referred as the Act), the Central Government vide letter No. L-42012/176/89-D.II (B) dated 20-4-90 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of BBMB represented through the Chief Engineer, Construction sub division in terminating the services of Shri Gurdial Singh, Ex. beldar w.e.f. 9-8-84 is justified. If not, then what other relief the workman is entitled to and with what effect ?"

The case set up by the petitioner, in brief, is so far, as relevant is that although he had put in 394 days of total service but the management did not maintained the seniority list, while terminating his services. It is alleged that the juniors persons to him were retained in service. The workman has challenged the action of the management in terminating his service mainly on the ground that the provisions of Sections 25-F, 25-H and 25-B of the Act have been violated by the management. On the footing of aforesaid pleadings, the workman claimed his reinstatement with full back wages.

4. The management has stoutly denied the claim of the petitioner and filed the written statement inter-alia pleading that the petitioner was engaged as unskilled mazdoor in the township division on specific job w.e.f. August 1983 and worked intermittently up to August 1984. His services came to an end after completion of special job. Thereafter with the requirement of man power on other works, he was again appointed as beldar for specific period of 89 days in the work charge capacity w.e.f. 12-5-1984 to 8-8-1984. According to the management, the services of the petitioner came to an end on the expiry of specific period and no persons junior to him was retained, so question of any violation of any provisions of the Act did not arise. It will not be out of place to mention here that the management has stoutly denied the other allegations of the petitioner. That being so, the management prayed for the dismissal of the reference petition.

5. Controverting the allegations of the written statement and reiterating the stand taken in the statement of claim, the workman filed the replication.

6. The petitioner, in order to substantiate his claim, appeared as his own witness as WW-1, who has tendered into evidence his affidavit Ex. W-1 and seniority list Ex. W-2. The management got proved the offer of appointment Ex M-1 from the petitioner.

The management in order to rebutt the evidence, brought on the record by the workman, examined Chetan Singh SDO as MW-1, who has tendered into evidence his affidavit Ex M-2, order of the High Court Ex. M-3, policy of the board Ex. M-4 and annexures Ex. M-4/A to D, affidavit of additional secretary Ex. M-5 and final order Ex M-6 and detail of the number of working days Ex. M-7.

7 The bare perusal of the affidavit Ex. M-2 of Chetan Singh SDO would go to show that the petitioner was engaged as unskilled mazdoor w.e.f. August 1983 and worked intermittently up to August 1984. He was again appointed as beldar on another work for the specific period of 89 days in the work charge capacity w.e.f. 12-5-1984 to 8-8-84. He was again engaged as unskilled from August 1988 to December 1988. But he left the job at his own accord. The petitioner workman was issued offer of appointment as beldar during the year 1990, but he did not join the duty within stipulated period as per terms and conditions of the appointment letter. As mentioned above, the petitioner has challenged his retrenchment of 9-8-1984. Thus it would be seen that the petitioner had also worked from August 1988 to December 1988 and he was offered fresh appointment as beldar in the year 1990.

The representative of the management has contend with some amount of vehemence that although the disengagement of the petitioner dated 9-8-94 did not amount to retrenchment, so as to attract the provisions of the Act, but still the management is ready to offer him a fresh appointment as beldar on regular basis, if he forgo his claim of back wages. The offer has been accepted by the workman and his representative has made the statement to this effect on 10-1-1995. The case was adjourned to 20-1-1995. On that day, the management has given the offer of appointment as beldar to the petitioner on regular basis, which has been accepted by the workman and he made the following statement :

"I accept the offer of appointment on regular basis as beldar. I do not want to prosecute the reference petition, which may be declined."

In this view of the matter and in view of the statement of the petitioner and as since the workman has been offered fresh appointment as beldar on regular basis and the petitioner has accepted the same, so, no further dispute remains to be resolved in the matter. Consequent the reference petitioner is answered accordingly.

Appropriate Government be informed.

Chandigarh,

Dated : 8-2-1995.

M. S. SULLAR, Presiding Officer

नई दिल्ली, 21 मार्च, 1995

का.घा. 1047.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, प्रबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-95 को प्राप्त हुआ था।

[सं. एल-42012/4/93-चाईगार(डीयू)]

राजालाल, डैस्क अधिकारी

New Delhi, the 21st March, 1995

S.O. 1047.—In pursuance of Section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of BBMB and their workmen, which was received by the Central Government on the 16-3-1995.

[No. L-42012/4/93 IR(DU)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE SHRI M.S. SULLAR, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. I.D. 98/94

Om Parkash Vs. Beas Project.

For the workman : Shri Hardayal Singh.

For the management : Shri Ram Singh.

AWARD

Dated : 23-1-1995

In the wake of industrial dispute raised by the workman, U/S 10(1)(d) of the Industrial Disputes Act, 1947 the Central Govt. vide letter No. 42012/4/93, IR(DU)/C dated 23rd August 1994, has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Beas Project, Bhiwani, in terminating the services of Shri Om Parkash w.e.f. 28-2-1990 is just, fair and legal ? If not, to what relief the workman concerned is entitled and from what date ?"

2. The reference was registered on 30-8-1994 and notice to the parties were ordered to be issued for 21-11-1994 vide order dated 2-9-1994. On 21-11-1994, service was complete but the workman did not file the statement of claim and the case was adjourned for today for filing the statement of claim by the workman. But today, the workman instead of filing the statement of claim his representative has made the following statement:

"I am the authorised representative of the workman. I have been instructed to make the statement in this case. The workman does not want to prosecute the reference petition which may be declined.

3. Since the workman, does not want to prosecute the reference petition and no dispute remains to be resolved, so in view of the statement of the rep. of the workman, the reference petition is hereby declined being not pressed. Appropriate Govt. be informed accordingly.

Chandigarh.

23-1-1995.

M. S. SULLAR, Presiding Officer

नई दिल्ली, 21 मार्च, 1995

का.प्रा. 1048.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अन्वय में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-95 को प्राप्त हुआ था।

[सं. एल-42012/67/93-आईआर(डीयू)]

राजालाल, डेस्क अधिकारी

New Delhi, the 21st March, 1995

S.O. 1043.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of B.B.M.B. and their workmen, which was received by the Central Government on the 16-3-1995.

[No. L-42012/67/93 IR(DU)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. ID 119/94

Hari Ram Vs. Bhakra Beas Management Board

For the workman : Shri Dhani Ram.

For the management : Shri D. L. Sharma.

AWARD

Dated : 23-2-1995

The brief facts relevant for the disposal of present reference are that the petitioner was appointed as beldar by the respondent management on daily wages. His services were terminated w.e.f. 11-5-1991. He has challenged his retrenchment by way of the present reference petition :

In the wake of industrial dispute raised by the workman U/S 10(1)(d) of the I.D. Act 1947 the Central Govt. vide No. L-42012/67/93-IR(DU) dated 12th September 1994, has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Resident Engineer, DPH, BBMB Div. (PW) Slapper District Mandi (MP) in effecting retrenchment of Shri Hari Ram son of Mansu Ram w.e.f. 11-5-1991 is legally just and valid? If not then, to which relief the workman is entitled to and from what date ?"

2. After receipt of the reference, notices were issued to the parties. On 30-11-1994, the representative of both the Parties appeared and case was adjourned for today for filing the statement of claim by the workman. Today, the workman, instead of filing the statement of claim, his representative has made the following statement :

"I am the authorised representative of the workman. Since the petitioner is gainfully employed he is not interested in prosecuting the reference petition. Same be declined.

In this view of the matter and in view of the statement of the representative of the petitioner, no dispute remains to be resolved in this case. Consequently the reference petition is declined. Appropriate Govt. be informed.

Chandigarh.

23-2-1995.

M. S. SULLAR, Presiding Officer

नई दिल्ली, 21 मार्च, 1995

का.प्रा. 1049.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार, बी. भागम कोकिंग कोल लि. का मनीडीह प्रोजेक्ट के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अन्वय में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, 1, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-3-95 को प्राप्त हुआ था।

[संख्या एल-20012/79/93-आईआर(सी-1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 21st March, 1995

S.O. 1049.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal 1, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Moonidih Project of M/s. BCCL and their workmen which was received by the Central Government on the 20-3-95.

[No. L-20012/79/93-IR (C-1)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d)(2-A) of the Industrial Disputes Act, 1947

Reference No. 75 of 1994

PARTIES :

Employers in relation to the management of Moonidih Project of M/s. B.C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri P.K. Sinha, Presiding Officer.

APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 10th March, 1995.

AWARD

By Order No. L-20012/79/93-I.R. (Coal-I) dated 16-3-1994 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) and sub-section (2-A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Moonidih Project under Moonidih Area of BCCL, P.O. Moonidih, Dist. Dhanbad in dismissing Shri Anand Gope with effect from 24-8-1990 from the service of M/s. BCCL is justified? If not to what relief the workman is entitled and from which date?"

2. The order of reference was received in this Tribunal on 4-4-1994. Thereafter notice by registered post was sent to the sponsoring Union to file the written statement. But none appeared nor filed the written statement. Thereafter, another registered notice was sent, but to no effect. Even on 8-3-1995, the last date fixed, no one was present on behalf of the sponsoring Union. It, therefore, appears that the sponsoring Union is not interested in pursuing the present industrial dispute or that it has now not dispute with the management.

3. Therefore I render a 'no dispute' award in the present industrial dispute.

P. K. SINHA, Presiding Officer

नई दिल्ली, 21 मार्च, 1995

का.प्र. 1050.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, आयरन इंडिया लि. के प्रबंधन के संबंध नियोजकों

और उनके कर्मचारों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिकरण, गुवाहाटी के पंचपट की प्रकाशित करता है, जो केन्द्रीय सरकार को 20-3-95 को प्राप्त हुआ था ।

[संख्या एन-30012/30/92-आर्द्धार(विषय)/आर्द्धार (सी-I)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 21st March, 1995

S.O. 1050.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Guwahati as shown in the Annexure, in the industrial dispute between the employers in relation to the management of OIL INDIA LTD. and their workmen, which was received by the Central Government on the 20-3-1995.

[No. L-30012/30/92-IR (Misc.)/IR (C-1)]
BRAJ MOHAN, Desk Officer.

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL, GUWAHATI ASSAM.

REFERENCE NO. 6(C) OI- 1993

PRESENT :

Shri J. C. Kalita, Presiding Officer, Industrial Tribunal, Guwahati.

In the matter of an Industrial Dispute :
BETWEEN

The Management of Oil India Ltd., (Pipeline Division) Narangi, Guwahati.

AND

Shri J. C. Das, C/o. Haruram Das, Vill. Noonmati, P.

O. Sowkuchi, Guwahati-18.

APPEARANCES :

Shri P. C. Deka, Advocate

Shri S. N. Sharma, Advocate,

For the Management.

NONE

For the workman.

AWARD

The Central Government by a Notification No. L-30012/30/92-IR (Misc.), dated 31-5-1993 referred an Industrial Dispute between the Management of Oil India Ltd., Narangi, Guwahati and their workman Shri Jatan Ch. Das for adjudication by this Tribunal on the following issue :-

"Whether the action of Oil India Ltd., (Pipeline Division) Management in keeping the workman Shri J. C. Das, in employment regularly for 4 years under their direct supervision for company work and paying through contractor without regularising his services by taking him in direct employment of the Oil India Ltd., (Pipeline Division) Narangi is justified and reasonable ?

If not to what relief the workman is entitled to."

The workman as well as the Management filed their written statement in support of their contention. It has been in the record that the workman remains continuously absent in taking steps. The learned counsel for the management Shri P. C. Das, submitted with the reference to its averment made in para 8 of the written statement that the reference itself is

bad and not tenable in the eye of law. The issue referred to is for regularisation of the service of the workman by the Management of Oil India Ltd., Narangli. Though the reference was under Section 10(d) of the Act but there is special mention of Section 2-A of the Act.

Section 2-A provides that where any employer discharges, dismisses, retrenched or otherwise terminated the service of an individual workman any dispute or difference between the workman and his employer concerned with or arising out of such discharge, dismissal, retrenchment or termination shall be deemed to be an Industrial Dispute not with standing that no other workman nor any union or workman is a party to the dispute. Herein this case the subject matter is not of discharged, retrench or dismissed but of regularisation in service.

Industrial Dispute as defined in Section 2(k) means any dispute or difference between employers or between employees and workman or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the condition of labour of any person. The question whether a dispute by an individual workman would be an Industrial Dispute as defined in Section 2(k) of the Act evoked considerable conflict of opinions in the High Courts and Industrial Tribunals, but it has now a settled view that the dispute between an individual work and an employer cannot become an industrial dispute as defined in Section 2(k) of the Act unless it is taken up by a union of workman. An industrial dispute can only be raised by a group of workmen or by a union even though neither of them represent the majority of the workmen concerned.

Herein this case the dispute is not espoused by a union or by a number of workmen. As the subject matter of the dispute is not related to discharge, dismissal or retrenchment, it is held to be an individual dispute and not an Industrial Dispute. The fact that the Central Government made the reference does not by itself give jurisdiction to this Tribunal to adjudicate the subject of dispute. Mr. Deka is right in his submission that this Tribunal has no jurisdiction to adjudicate the dispute until it is established that there is in existence an Industrial Dispute within the meaning of the Act. In the light of the above it is held that the dispute being for regularisation in service not represented by a union of workmen or a number of workman is an individual dispute and not an Industrial Dispute cannot be legally adjudicate by this Tribunal for want of jurisdiction. As such the workman is not entitled to the reliefs mentioned in the reference.

Thus the reference is hereby disposed of without any award.

I give this AWARD on this 6th day of March, 1995 at Guwahati under my hand and seal

J. C. LALITA, Presiding Officer.

नई दिल्ली, 21 मार्च, 1995

का. प्रा. 1051—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबंध निरोधकों और उनके कर्मचारियों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कण्टीगढ़ के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-95 को प्राप्त हुआ था।

[संख्या 12012/147/89-आई.आर.(बी-III) बी I]

पी. जे. माइकल, डेस्क अधिकारी

New Delhi, the 21st March, 1995

S.O. 1051.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of

the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 16-3-95.

[No. 12012/147/89-IR(B.III)|BI]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI M.S. SULLAR, PRESIDING
OFFICER, CENTRAL GOVERNMENT., IN-
DUSTRIAL TRIBUNAL-CUM-LABOUR

COURT, CHANDIGARH

Case No. I.D. 176/89

Narinder Singh Vs. State Bank of India

For the workman : Shri P.P. Trikha.

For the management : Ms. Sharmila Malkani.

AWARD

Dated 1-3-1995

The brief facts relevant for the disposal of the present reference are that the services of Narinder Singh Ex-messenger were terminated by the respondent management w.e.f. April 1984. He has challenged his termination order by way of the present reference petition.

In the wake of industrial dispute raised by the workman, U/S 10(1)(d) of the Industrial Disputes Act 1947 (hereinafter to be referred as the Act), the Central Government vide letter No. L-12012/147/89-I.R.(B.3) dated 23rd October, 1989, has referred the following dispute to this tribunal for adjudication :

"Whether the management of State Bank of India in relation to their Faridabad branch in terminating the services of Shri Narinder Singh Ex-Messenger, w.e.f. April, 1984 is just, fair, and legal? If not what relief the worker concerned is entitled to and from what date?"

The case set up by the petitioner, in brief, in so far as relevant is that he had worked for 377 days from February, 1983 to 30th April 1984 but the respondent management has terminated his services w.e.f. April 1984, without any reason. Levelling a variety of allegations against the management, according to the petitioner, the action of the management is in complete violation of the provisions of the Act, Sastry Award, Desai Award and Biparti settlement. On the footing of aforesaid pleadings, the petitioner claimed his reinstatement with all other service benefits.

The management has contested the claim of the petitioner and filed the written statement, inter-alia stoutly denying the allegations of the petitioner. That being so, the management prayed for the dismissal of the reference petition.

During the pendency of the present reference, the petitioner and the management has mutually settled the dispute. The rep. of the management in her recorded statement, stated that the appointment to the petitioner has been given on the understanding that he will withdraw the reference petition. The management has given him fresh appointment and he is peacefully working in the bank.

The representative of the petitioner has also made the statement that the petitioner has already been re-appointed on regular basis and is working with the management peacefully, so he does not want to prosecute the present reference which may be declined.

In this view of the matter and in view of the statement of the parties, since the matter had already been settled amicably between the parties and the management had already given the petitioner-re-appointment, so no dispute remains to be resolved. Consequently reference petition is disposed of accordingly. The appropriate Govt. be informed.

Chandigarh.
1-3-1995.

M. S. SULLAR, Presiding Officer

नई दिल्ली, 21 मार्च, 1995

का. आ. 1052—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16 मार्च, 1995 को प्राप्त हुआ था।

[संख्या एल 12012/100/91 आई आर बी (III) (बी I)]
पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 21st March, 1995

S.O. 1052.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 16-3-95.

[No. L-12012/100/91-IR(B.III)BI]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,

CHANDIGARH

Case No. ID 52/92

Mohinder Singh Vs. State Bank of India

For the workman : Shri J. G. Verma

For the management : A. C. Jaidka

AWARD

Dated : the 8th February, 1995

The matrix of the facts culminating in the commencement of present reference petition are that the petitioner was engaged as a temporary guard, by the management of State Bank of India, in the month of May 1967. He was regularly appointed as such w.e.f. 15-6-70. He was enrolled as a member of the Pension Fund. He was confirmed in the service of the bank on 15-12-1970. After serving the bank, he retired on 30-11-1990. Although, the petitioner was a member of pension fund, but the manager has denied him the benefit of pension, which necessitated the raising of the present dispute by the petitioner.

In the wake of industrial dispute raised by the petitioner U/S 10(1) (d) of the Industrial Disputes Act 1947, (hereinafter to be referred as the Act), Central Govt. vide its letter No. L-12012/100/91-IR. B.III dated 27-5-1992 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of State Bank of India in denying pension to Sh. Mohinder Singh, Guard, is justified ? If no to what relief the workman is entitled to ?”

The case set up by the petitioner, in brief in so far as relevant is, that, he joined the service of the respondent bank as a temporary guard in the month of May 1967 and was regulated in service w.e.f. June 1970. His date of birth is 28-11-1930. He enrolled as a member of pension fund and regular contribution of pension fund was made by the bank. He retired from service on 30-11-1990 and applied for the pension but the same was denied by the bank, on the ground that the petitioner was not entitled to be enrolled as a member of pension fund as per the rules of the bank.

According to the petitioner, one the workman was enrolled as a member of the pension fund, the person can not be denied on the ground of non-eligibility as the provision for the payment had already been made. It is alleged that petitioner is an ex-serviceman having served the Army for 8 years and petitioner claimed some relaxation on the ground of ex-serviceman and member of schedule caste community. In all, it has been alleged, that continuous temporary service as shown in the gratuity claim admitted by the respondent has to be counted for the purpose of eligibility of pension. On the footing of aforesaid pleadings, the petitioner prayed that the action of the management

in denying the pensionary benefit to him be declared unjustified and respondent be directed to pay pension to the petitioner.

The management has contested the claim of the petitioner and filed the written statement, inter alia pleading certain preliminary objection of maintainability of the claim of the petitioner, on the ground that he was not entitled to be enrolled as a member of the pension fund as he was over 38 years of age on the date of his confirmation in the service of the bank.

On merits, the pleaded case of the management is that, during the period May 1967 to June 1970, the petitioner was intermittently engaged as temporary guard. He was appointed temporarily on 15-6-1970 and was confirmed on 15-12-1970. It is admitted that the bank has erroneously contributed towards the pension fund on account of the petitioner and it was a genuine mistake on the part of the bank. In all it has been alleged by the management, that since the petitioner was more than 38 years of age at the time of his confirmation, so he could not be with the member of the pension fund under Rule 7 & 8 of State Bank of India Employees Pension Fund Rules. It will not be out of place to mention here, that the management, has stoutly denied the other allegations of the workman in its written statement. That being so, the management prayed for the dismissal of the reference.

Controverting the allegations made in the written statement and reiterating his stand taken in the statement of claim, the workman filed the replication.

The petitioner, in order to substantiate his claim, appeared as his own witness as WW1 and has tendered into evidence his affidavit Ex. W1.

The management, in order to rebutt the evident brought on record by the petitioner, examined C. M. Mehta Deputy Manager as MW1, who has tendered into evidence his affidavit Ex.M1 and copy of service sheet of the petitioner as Ex. M2. The workman, got proved from MW1, certificate of increments granted to the petitioner Mark 'A' and chart showing the date of appointment Mark 'B'.

Having heard the representative of the parties, having gone through the evidence on record and after bestowal of thoughts on the entire matter, to my mind, the reference deserves acceptance.

As indicated earlier, according to the petitioner, he joined the service of the bank in May 1967 as temporary guard against the regular post. His service were regularised w.e.f. June 1970. He was enrolled as a member of pension fund. He is entitled for the pensionary benefit after his retirement. He has so stated in his affidavit Ex. W1. Even MW1 has categorically, admitted in his cross-examination that petitioner was appointed temporarily in the year 1967 to 1970. On the other hand, according to the management, since the petitioner was more than 38 years of age on the date of his confirmation so he could not be a member of pension fund and is not entitled for

any benefit. The management has filed the affidavit Ex. M1 of C.M. Mehta MW1. Ex. M2 is the service sheet of the petitioner. Thus it would be seen that the facts of the case are neither intricate nor in dispute. The combined reading of the pleadings of the parties and bare perusal of the evidence on record mentioned above, would go to show, that the petitioner was appointed temporarily as guard in the year 1967 to 1970 (as admitted by MW1). Even in affidavit Ex. M1, it has been so stated that the petitioner was engaged as temporary guard during the period 1967 to June 1970. The services of the petitioner was regularised on 15-6-1970. He was confirmed in the service of the bank on 15-12-1970. It also stands proved on the record that the petitioner was enrolled as a member of pension fund by the bank on 15-12-1970. He made contributions to the pension fund. Now the short and significant question, though important, arises for determination, in this case is, whether, pensionary benefits can be denied to the petitioner, ignoring his period of temporary service from May 1967 to June 1970. The sole contention of the representative of the management, that since, the petitioner was more than 38 years of age at the time of his confirmation, so, he is not entitled for pensionary benefits and he could not be a member of the pension fund under Rule 8, is not only devoid of merit but misplaced as well. Rule 8 of the Rule postulates that no employee shall be eligible to become a member of the pension fund.

a.

b.

c. If he is over 38 years of age.

This rule nowhere provides that the age of 38 years of the petitioner is to be seen on the date of his confirmation. But the harmonious construction of these rules would reveals that qualifying date is the date of continuous service of the workman and not the date of confirmation. Rule 7 only provides that a person will be a member of the fund from the date from which he is confirmed in the service of the bank. According to these rules, every permanent employee including a permanent part time employee, who is required by the bank to work for more than six hours, is also entitled to the pensionary benefits. Whether the period of temporary service of an employee has to be counted for the purpose of pensionary benefits, was the subject matter, before a Full Bench of Hon'able Punjab & Haryana High Court in Kesar Chand Vs. State of Punjab, 1988 (2) PLR 223. After considering the various aspect of the matter and the law cited at the bar, it was held in para 19 as under :

"Held, that after the services of a work-charged employee have been regularised he becomes a public servant. The service is under the Government and paid by it. Once the services of work-charged employee have been regularised there appears to be hardly any logic to deprive him of the pension a benefits as are available to other public servants under rule 317 of the Rules. Equal protection of laws must mean the protection of equal laws for all persons similarly situated.

Article 14 strike at arbitrariness because a provision which is arbitrary involves the negation of equality. Even the temporary or officiating service under the State Government has to be reckoned for determining the qualifying service. It looks to be illogical that the period of service spent by an employee in a work-charged establishment before his regularisation has not been taken into consideration for determining his qualifying service. The classification which is sought to be made among Government servants who are eligible for pension and those who started as work-charged employees and their services regularised subsequently, and the others is not based on any intelligible criteria and therefore, is not sustainable at law. After the services of a work-charged employee have been regularised, he is a public servant like any other servant. To deprive him of the pension is not only unjust and inequitable but is hit by the vice of arbitrariness, and for these reasons the provisions of sub rule (ii) of rule 3.17 of the Rules have to be struck down being violative of Article 14 of the Constitution.

It was further held that pension is a right to property and a government servant can not be deprived of this right. Equally, it is now well settled that such pensionary benefits can not be denied to a workman merely on technical grounds that he was not of a qualifying age at the time of his confirmation. More so, the petitioner was duly qualified at the time of his initial appointments and he was later on confirmed in the same service, particularly when he was admitted to the pension fund. In this view of the matter, to my mind, the management is estopped from denying this benefit to the petitioner. Reliance in this regard can be placed to a judgement in case of Nishan Singh Vs. Transport Commissioner and another 1992 (5) SLR 441, Ram Singh Vs. State of Haryana and other 1994 (1) R.S.J. page 238, Mauji Ram Vs. The State of Haryana through the Commissioner and Secretary to Govt. Haryana and others 1990(1) RSJ 54 and Judgement of Hon'ble Supreme Court Krishena Kumar Vs. Union of India and Ors 1990(2) RSJ page 434 and a DB judgement in CWP No. 6100 of 1992 Sukh Nandan Vs. Hy. State Electricity Board decided on 30-9-1992. The aforesaid judgments are the complete answer to the problem in hand.

In the light of aforesaid reasons, it is held that the petitioner is also entitled to the pension and the action of the management, denying this benefit to the petitioner is unjustified and petitioner is entitled to pension admissible after his retirement. The management is directed to release the amount of his pension within two months from the publication of this award, failing which the petitioner shall also be entitled to interest @ 12% from the date of filing of the present reference till the realization of the amount. The reference is answered accordingly. The appropriate Govt. be informed.

Chandigarh.

Dated : 8-2-1995.

M. S. SULLAR, Presiding Officer

नई दिल्ली, 21 मार्च, 1995

का. आ.—1053 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महानगर टेलीफोन निगम लिमिटेड के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बम्बई II के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21 मार्च, 1995 को प्राप्त हुआ था।

[संख्या एल—400 11/14/90 आई आर (डीयू)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 21st March, 1995

S.O. 1056.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay II as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of M. T. N. L. and their workmen, which was received by the Central Government on 21-3-95.

[No. L-40011/14/90-IR (DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY PRESENT

Shri S. B. Panse—Presiding Officer

Reference No. CGIT-2/6 OF 1991

Employers in relation to the Management of Mahanagar Telephone Nigam Limited, Bombay

AND

Their Workmen

APPEARANCES :

For the Employers—Mr. R. S. Bhavnani, Representative

For the Workmen—Mr. P. M. Devadiga, Representative

Bombay, dated 1st March, 1995

AWARD

The Government of India, Ministry of Labour, New Delhi by its letter No. L-40011/14/90-IR(DU) dated 4-2-91 has referred to the following industrial dispute for adjudication.

The Schedule

“Whether the action of the management of Mahanagar Telephone Nigam Limited in terminating the services of 14 workmen

(as per Annexure 'A') working in the Telephone House Canteen, Telephone House of MTNL Bombay w.e.f. 7-10-88 and whether the management of MTNL were also justified in withholding wage from Aug 1988 and in non-implementation of four pay commissions pay scale w.e.f. 1-1-86 ? If not, to what relief the concerned workmen are entitled to ?"

2. The 14 workers claim to be the employees of the Mahanagar Telephone Nigam Limited in the canteen situate at Prabhadevi Administrative Building, Bombay. They contended that as they were denied the equal wages and benefits as applicable to the direct employees of the Bombay Telephones as it was then they started demanding it. The management with a view to publish the workers stopped their work w.e.f. 7-10-1988.

3. The Mahanagar Telephone Nigam Limited has various telephone exchanges throughout Bombay and Thane. Many employees are working in those establishments. On the basis of the strength of the employees in those establishments are classified into category A, B and so forth. On the basis of the category of the canteen employees are provided in every such canteen. It is always seen that the strength of the workmen in the canteen is always less. It is therefore the workmen in the present dispute would have been absorbed in the other canteens of the management.

4. The workman contended that in view of the various judgements and directions of the Supreme Court the Canteen should be given on contract basis to private contractors but the department itself should run the canteen and the workmen employed therein are the direct employees of the Union of India. Under such circumstance, the plea of the management that the private contractors express their inability to run the canteen in question cannot be accepted and the stoppage of work w.e.f. 7-10-88 is illegal.

5. The workman asserted that before taking the impugned action, no notice was given to the workers

and nor the requisite conditions for retrenching the workers were complied by the management.

6. The workmen contended that under such circumstance, the action of the management is unjustified. The workmen are entitled to reinstatement with full back wages and continuity in service with other reliefs. They also claim that they are entitled to the fourth Pay Commission recommendations which recommendations have been accepted and directed to be implemented by the Directorate of Canteens, Union of India, to the employees of the canteen.

7. The management resisted the claim by their written statement exh. 5. They contended that the 14 workers in the present reference are not the employees of the management at any time. Under such circumstances, the principles of equal wages of the said workmen with the employees of the Bombay Telephone does not arise at all. It is asserted that there is no relationship of Master and Servant or employer and employee between the management and the said 14 workers. It is averred that the 14 workers were never appointed by the management in their employment. Under such circumstance, the implementation of the Fourth Pay Commission does not arise. Infact, no industrial dispute exists between the management and those 14 workers.

8. The management asserted that it is wrong to say that the Canteen should not be given on contract basis to the private contractors as alleged. It is asserted that the workers were appointed by the private contractors and his contract was terminated. It is pleaded that the Canteen in Telephone House was run through Contractors namely Divya Caterers in or about October 1991. Prior to him it was run through Shri S. K. Shetty of Ambica Annapurneshwari Caterers, Bandra (East), Bombay. Under such circumstance, it is submitted that the claim of the workman has to be rejected.

9. My Learned Predecessor framed issues at exh. 6, on 30-1-92. The issues and my findings thereon are as follows :

REASONS

10. Shri Sambhaji Ganpat Yesane (exh. 9) and Shri L. B. Dalvi (exh. 10) are the two workers among the 14 workers who represent the claim of all. They admitted that they have no appointment letter from Mahanagar Telephone Nigam Limited. There is also no dispute that they do not have any salary certificate showing that the payment was made by the Mahanagar Telephone Nigam Limited. Shri Dalvi affirmed that those 14 workers were appointed by the Mahanagar Telephone Nigam Limited orally. It cannot be accepted as Mahanagar Telephone Nigam Limited is a Government institution. Every appointment in such a concern is by appointment letter. The other witness Yesane does not know whether those 14 workers were engaged by Shri S. K. Shetty or by anybody else who were the contractors. In other words, there is no documentary evidence to show that these workers were employed by the Mahanagar Telephone Nigam Limited.

11. Even though, there is assertion by Yesane and Dalvi that the salaries were paid by the Mahanagar Telephone Nigam Limited, no documentary evidence is adduced on the record. It can be further seen that there is no whisper by these two witnesses that the Mahanagar Telephone Nigam Limited has record to show that their salaries were paid by the Mahanagar Telephone Nigam Limited. Under such circumstance, the contention raised by the management has to be accepted that those workers were employed by the Contractor to whom the canteen was given to manage.

12. The representative of the workman mainly placed reliance on the certificates (exh. 7[6 to 17]) issued by Shri S. George (exh. 11) the Secretary of the Canteen at a relevant time. In these certificates it is mentioned that "This is to certify that—

"is working with the Bombay Telephone Canteen since two years. He is a hard worker, his character and conduct are good. We wish him all success."

On its basis it is tried to argue that these workers were in the employment of the Mahanagar Telephone Nigam Limited.

13. Mr. S. George (exh. 11) who was the secretary of the Canteen at that time affirmed that he had no powers to issue such a certificate. He issued the certificate with an intention that the workers in future should be in a position to get a better employment. He further affirmed that he was served with the notice by the management (exh. 8[3]) for issuance of such a certificate for which he replied (exh. 8[4]). Later on the management warned him for issuing such a certificate (exh. 8[5]). It is tried to suggest on behalf of the workers that this correspondence was done to the management with an intention to deprive the claim of the workmen. I do not find any justification in the same. The reason is that the secretary cannot have any authority for issuing such a certificate. The circumstances speak that these workers were not in the employment of Mahanagar Telephone Nigam Limited and as such the certificates which are issued

by George were only with an intention that they should be able to get better employment in future. It cannot be said on the basis of those certificates that they were in their employment. It can be further seen that the duties of the secretary in Telephone House are nowhere prescribed that he is entitled to give such a certificate. This is also an additional circumstance to support the case of the management and the action taken against him for issuing such a certificate.

14. It is the case of the management that the Canteen was given to Mr. Subhash Bhoir who was a Contractor by an agreement (exh. 8[1]). After going through the terms of the agreement it says—

"This is to inform you that you have been temporarily permitted to run the Canteen in Prabhadevi Admn. Bldg. at your own cost and risk i.e. with your own funds, vessels, staff, raw materials and any other suitable things whatever necessary strictly on the following conditions."

This clearly goes to show that the Contractor was to appoint staff, bring raw materials, vessels and prepare food required by the employees. He was to use his funds for such purposes. It may be further seen that the conditions which are given below that agreement clearly speak that the employees were engaged by the contractor and not by the Mahanagar Telephone Nigam Limited. The condition 8 suggests that any injury caused to any member or staff i.e., the staff of the contractor will be attended at your cost, i.e. the cost of the Contractor. If the position would have been different namely those workers would have been the employees of the Mahanagar Telephone Nigam Limited then the responsibility would have of Mahanagar Telephone Nigam Limited. As this is not so, these workers cannot be said to be in the service of Mahanagar Telephone Nigam Limited.

15. The representative of the workmen placed reliance on Contract Laghu Udyog Kamgar Union v/s. K. K. Desai & Ors. 1994, I, CLR 537. The facts of that case are quite different than the facts before me. From the testimony of witnesses it clearly reveals that these workers were employed by the contractor and they were not in the employment of the Mahanagar Telephone Nigam Limited. Their salaries were paid by the Contractor, the amount required for running the canteen was of the contractor. It is therefore the ratio given in this authority is not applicable.

16. The representative of the union also placed reliance of Chandran Nair & Ors. v/s. Indo French Times Industries Ltd. & Ors. 1992, I, CLR, 235. That was also a case wherein the circumstances were of such a nature proving that all those workers were paid by the management and that they were controlled by them. Therefore they were held to be the employees of the said concern. The facts of this case are quite different from the facts before me.

17. The representative of the union also placed reliance on Mohanlal v/s. Bharat Electronics Limited 1981, II, LLJ, 70. That was a case where the management did not comply with section 25F of the Indus-

trial Disputes Act. Here I have come to the conclusion that these workers were not in the employment of the Mahanagar Telephone Nigam Limited and therefore there is no question of complying with section 25F of the Industrial Disputes Act. The ratio in this authority has no application. So is the case of the other authorities namely Pratap Kumar Patnaik v/s. The Managing Director, 1991, LAB, I. C., 94.

18. As I have come to the conclusion that the workmen are not in the employment of the Mahanagar Telephone Nigam Limited, there is no question of their withholding the pay of the Fourth Pay Commission. If the payment was to be made, it was to be made by the contractor and not by the Mahanagar Telephone Nigam Limited.

19. For all these reasons, I record my findings on the points accordingly and come to the conclusion that the 14 workers in question are not in the employment of the Mahanagar Telephone Nigam Limited and as such the Industrial Dispute does not exist between the workers and the Mahanagar Telephone Nigam Limited. In the result I pass the following order :

ORDER

1. The action of the management of the Mahanagar Telephone Nigam Limited in terminating the services of 14 workers (as per annexure 'A') working in the Telephone House Canteen, Telephone House of MTNL Bombay w.e.f. 7-10-88 and withholding the wage from August 1988 and in non-implementation of the Fourth Pay Commissions pay scale w.e.f. 1-1-86 is justified.

2. No order as to costs.

1-3-95

S. B. PANSE, Presiding Officer

नई दिल्ली, 21 मार्च, 1995

का. आ. 1054.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार Central Soil Water Conservation Research & Trg. Institute के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 16 मार्च, 1995 को प्राप्त हुआ था।

[संख्या एल-42011/68/90 आई आर (डी यू)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 21st March, 1995

S.O. 1054.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the

management of Central Soil Water Conservation Research & Training Institute and their workmen, which was received by the Central Government on 16-3-1995.

[No. L-42011/68/90-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 167/91

Workmen Vs. Central Soil & Water Conservation Research & Training Institute.

APPEARANCES :

For the workmen : Shri A. S. Bagri.

For the management : Shri M. L. Basoor.

AWARD

Dated, the 31st January, 1995

In the wake of Industrial dispute raised by 26 workmen U/S 10(1)(d) of the Industrial Disputes Act 1947, (hereinafter to be referred as the Act), the Central Government vide letter No. L-42011/68/90/IR(DU) dated 1-11-1991 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management in relation to Central Soil and Water Conservation Research and Training Institute, Research Centre, Chandigarh in denying regularisation of service of the workman (as per list enclosed) and, denying equal wage for equal work is justified. If not, what relief the workmen concerned are entitled to and from what date ?

Whether the demand of the Central Soil & Water Conservation Research Farm Workers Union for grant of weekly off with wage, religious and gazetted and other holidays as notified by the Government to their employees of Central Soil and Water Conservation Research and Training Institute, Research Centre, Chandigarh in each year is justified ? If yes, what relief the workers concerned are entitled to ?"

2. During the pendency of the reference petition both parties have settled the matter amicably with the active participation and help of their representative. Today, the case was fixed for the evidence of the management. But the management instead of producing the evidence, has conceded the claim of the petitioner and Shri G. S. Guddu Asstt. Administrative Officer, has made the following statement :

"The management is ready to grant the temporary status to the petitioners/workmen w.e.f. 1-9-1993 under the schedule of Government

of India No. 51016|2|90-Estt(C) dated 10th September 1993."

Faced with the situation, the representative of the workman has also made the following statement :

"I am the authorised representative of the petitioners/workmen. I have heard the statement of Shri G. S. Guddu, Asstt. Admn. Officer, the rep. of the management, undertaking to grant the temporary status under the said scheme to the petitioners, the petitioners/workmen do not press the reference petition which may be disposed of accordingly."

Thus it would be seen that the management is undertaking to grant the temporary status to the petitioners w.e.f. 1-9-1993 under the Government of India scheme No. 51016|2|90-Estt(c) dated 10-9-1993, and the petitioners/workmen do not want to prosecute the reference petition, so on further dispute remains to be resolved in this reference petition.

In this view of the matter, the management, is directed to issue the letters of grant of temporary status to the petitioners under the said scheme w.e.f. 1-9-1993 in accordance with rules within one month from the date of the publication of this award. The reference is disposed of accordingly. The appropriate Government be informed.

Chandigarh,

31-1-1995.

M. S. SULLAR, Presiding Officer

नई दिल्ली, 21 मार्च, 1995

का. भा. 1055.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल सोयल कन्जर्वेशन रिसर्च एण्ड ट्रेनिंग इंस्टिट्यूट के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16 मार्च, 1995 को प्राप्त हुआ था।

[संख्या एल 42011/29/91 आई आर (डोयू)]
के. बी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 21st March, 1995

S.O. 1055.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Central Soil Conservation Research and Training Institute and their workmen which was received by the Central Government on 16-3-95.

[No. 1-42011|29|91-IR(DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING
OFFICER, CENTRAL GOVT., INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

Case No. I.D. 82|92

Bhagat Ram & Others Vs. Central Soil & Water
Conservation Research & Training Institute.

APPEARANCES :

For the workmen.—Shri A. S. Bagri
For the management.—Shri M. L. Basoor

AWARD

Dated : 31-1-1995

In the wake of Industrial dispute raised by 4 workmen U/S. 10(1)(d) of the Industrial Disputes Act, 1947, (hereinafter to be referred as the Act), the Central Govt. vide letter No. L-42011|29|91-I.R. (D.U.) dated 16-7-92 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Central Soil Water Conservation Research and Training Inst. Chandigarh in denying regularisation of services and not granting regular pay scale to S/Sh. Bhagat Ram, Tarsem Singh, Dyal Singh and Ram Khilawan is justified ? If not, what relief they are entitled to ?"

2. During the pendency of the reference petition, both parties have settled the matter amicably with the activity participation and help of their representative. Today the case was fixed for filing of claim statement by the petitioners. But the management conceded the claim of the petitioners and Shri. G. S. Guddu, Asstt. Administrative Officer, has made the following statement :

"The management is ready to grant the temporary status to the petitioners/workmen w.e.f. 1-9-93 under the scheme of Govt. of India No. 51016|2|90|Estt (C) dated 10th September 1993."

Faced with the situation, the rep. of the workmen has also made the following statement :

"I am the authorised representative of the petitioners/workmen. I have heard the statement of Shri G. S. Guddu, Asstt. Admn. Officer, the rep of the management, undertaking to grant the temporary status under the said scheme to the petitioners, the petitioners/workmen do not press the reference petition which may be disposed of accordingly."

Thus it would be seen that the management is undertaking to grant the temporary status to the petitioners w.e.f. 1-9-1993 under the Govt. of India scheme No. 51016|2|90 Estt.(c) dated 10-9-1993, and the petitioners/workmen do not want to prosecute the reference petition, so no further dispute remains to be resolved in this reference petition.

In this view of the matter, the management is directed to issue the letters of grant of temporary

status to the petitioners under the said scheme w.e.f. 1-9-1993 in accordance with rules within one month from the date of the publication of this award. The reference is disposed of accordingly. The appropriate Govt. be informed.

Chandigarh.
dated 31-1-1995.

M. S. SULLAR, Presiding Officer

नई दिल्ली, 21 मार्च, 1995

का. आ. 1056—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक आफ इंडिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21 मार्च, 1995 को प्राप्त हुआ था।

[संख्या एल-12012/331/88-डी 2 (ए)/आई आर (वी-2)]
वी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 21st March, 1995

S.O. 1056.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 21-3-1995.

[No. L-12012/331/88-D.II(A)/IR(B.II)]
V. K. SHARMA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
JABALPUR (MP)

Case Ref. No. CGIT/LC(R)(123)/1986

BETWEEN

Shri Umrandas Manikpari C/o. Bhilai Engineering Corporation, 74-78, in front of Akash Ganga Complex, Bhilai (MP).

AND

The Regional Manager, Central Bank of India,
P. B. No. 113, Chaube Colony, Raipur
(MP).

PRESIDED IN : By Shri Arvind Kumar Awasthy.
APPEARANCES :

For Workman.—Shri A. S. Gaharwar, Advocate.

For Management.—Shri G. C. Bhatia, Advocate.

INDUSTRY : Banking DISTRICT : Raipur (MP).

AWARD

Dated, March 13, 1995

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-12012/331/88-D2(A) Dated 29th November, 1988, for adjudication of the following industrial dispute :—

SCHEDULE

“Whether the action of the management of Central Bank of India in terminating the service of Shri Umrandas Manikpari and not considering him for further employment while recruiting fresh hands under Section 25H of the I.D. Act is justified ? If not to what relief is the workman entitled.”

2. The case of the workman is that he was appointed on 1-10-1985 and prevented from working after 31-5-1986 after having worked for over 240 days that the workman was removed from the service although there was sufficient work and vacancies and after his termination from service the new recruits were appointed in violation of the provisions of Sec. 25G of the I.D. Act. The workman has prayed that the act of the management in terminating his services be declared illegal and it be further declared that the management in not considering him for further employment acted in an unjustified manner.

3. The case of the management is that he was employed on daily wages in Bhilai Branch. He has not worked for more than 240 days. It is further denied that new recruits were engaged in temporary service in violation of the provisions of Sec. 25G of the I.D. Act.

4. Terms of reference was made as the issue and parties have not adduced evidence. The workman has not led evidence to show that he has completed 240 days in a calendar year.

5. From the perusal of the conciliation proceedings before the Asstt. Labour Commissioner (Central) Raipur, it is clear that the workman has admitted that he has worked only for 206 days. In view of the admission made by the workman before the ALC (C) Raipur that he has worked only for 206 days I hold that the workman who was a daily wage worker has no locus standi to challenge his termination and he is not entitled for protection of the provisions of Sec. 25G of the I.D. Act. The action of the management in terminating the services of the workman, Shri Umrandas Manikpari, and not considering him for further employment while recruiting fresh hands under Sec. 25G of the I.D. Act is justified. The workman concerned is not entitled to any relief. Parties shall bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 21 मार्च, 1995

AWARD

Dated March 14, 1995

का. आ. 1057.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सगमानिया लाईम स्टोन माईन्स सतना सिमेंट वर्क्स, के प्रबंधन से संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर (एम.पी.) के पंचवट को प्रकाशित करती है जो केन्द्रीय सरकार को 31-03-95 को प्राप्त हुआ था।

[संख्या एल - 29012/30/94 - आई आर (विविध)]
बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 21st March, 1995

S.O. 1057.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur (M.P.) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sagmania Lime Stone Mines, Satna Cement Works and their workmen, which was received by the Central Government on 21-03-95

[No. L-29012/30/94-IR (Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP).

CASE REF. NO. COIT/IC(R)(195)/1994

BETWEEN

Shri Rammilan Garg C/o Shri B. S. Bisen, Advocate, Bardadih Road, Mukhtiyar Ganj, Satna (MP).

AND

The Manager (Mines), Sagmania Lime Stone Mines, Satna Cement Works, Satna (MP).

PRESIDED IN : By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workman : Shri B. S. Bisen, Advocate.

For Management : Shri A. K. Choudhury,
AGM(P).

INDUSTRY : Limestone Mine

DISTRICT : Satna (MP).

This is a reference made by the Central Government Ministry of Labour, vide its Notification No. L-29012/30/94-IR(Misc.) Dated 5-10-1994, for adjudication of the following industrial dispute :—

SCHEDULE

"वया प्रबंधन सतना सिमेंट वर्क्स, सतना (म. प्र.) के प्रबंधकों द्वारा श्री राममिलन गर्ग, भू. पू. मशीनरी सहायक की सेवाएं आदेश दिनांकित 17-7-92 से समाप्त किए जाने की कार्यवाही न्यायोचित है, यदि नहीं तो संबंधित कर्मकार किस अनुतोष का हकदार है।"

2. Parties were noticed to file their respective statement of claim, but instead of filing the statement of claim, they have filed a Memorandum of Settlement mutually arrived at between the parties on 30-1-1994.

3. I have gone through the terms of settlement which appear to be just and proper. The terms of the settlement are as under :—

TERMS OF SETTLEMENT

1. यह कि राम मिलन गर्ग यह स्वीकार करता है कि उसने जो पगारा नियोजकों की जमीन आराजी नं. 429 मौजा बारीकला सतना में बना लिया है उसे इस समझौते के फलस्वरूप हटा लेगा और भविष्य में कंपनी की जमीन पर नाजायज कब्जा नहीं करेगा।

2. यह कि राम मिलन गर्ग अब संस्थान में नौकरी नहीं करना चाहता है। राम मिलन गर्ग द्वारा कंपनी रिकार्ड में घोषित जन्मवर्ष के अनुसार उसकी आयु 58 वर्ष से अधिक हो चुकी है इसलिए उसने स्वेच्छा से अपना पूरा हिसाब लिया है।

3. यह कि राम मिलन गर्ग ने प्रबंधकों से नौकरी की एज में र. 5000/- प्राप्त कर लिया है और अब उसका प्रबंधकों से सेवा में रखने के संबंध में कोई विवाद शेष नहीं रह गया है और राम मिलन गर्ग ने इस औद्योगिक विवादको समाप्त करना स्वीकार किया।

4. यह कि उपर्युक्त के फलस्वरूप उभय पक्षों के बीच राम मिलन गर्ग को सेवा में रखने के संबंध में कोई विवाद नहीं रह गया है।

4. By another application dated 8-3-1995 the workman concerned and Counsel for workmen confirmed that the dispute has been mutually resolved, workman has received all his claims including gratuity & provident fund and as such no dispute much less an industrial dispute is in existence between the parties.

5. In the aforesaid circumstances there remains no dispute for adjudication, no dispute award is passed. Parties to bear their own costs.

ARVIND KUMAR A VASILEV, Presiding Officer,

नई दिल्ली, 21 मार्च, 1995

का.आ. 1058.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-95 को प्राप्त हुआ था।

[संख्या एल. 12012/77/89-आईआरबी-III/बीI]

पी. जे. माइकल, डेस्क अधिकारी

New Delhi, the 21st March, 1995

S.O. 1058.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 16-3-1995.

[No. L-12012/17/89-IR/B.III/B.I.]

P. J. MICHAEL, Desk Officer.

ANNEXURE

Before Shri M. S. Sullar, Presiding Officer, Central Govt. Industrial Tribunal-cum-Labour Court, Chandigarh

Case No. I.D. 163/89

Hari Singh Vs. State Bank of India

For the workman : Shri P. P. Trikha

For the management : Ms. Sharmila Malkani

AWARD

Dated 1-3-1995

The brief facts relevant for the disposal of the present reference are that the services of Hari Singh Messenger were terminated by the respondent management on 25-3-85. He has challenged his termination order by way of the present reference Petition.

In the wake of industrial dispute raised by the workman, U/s 10(1)(d) of the Industrial Disputes Act, 1947, (hereinafter to be referred as the Act), the Central Govt. vide letter No. L-12012/77/89-I.R. (B.3) dated 19-10-1989, has referred the following dispute to this Tribunal for adjudication :
786 GI/95—8.

“Whether the action of the management of State Bank of India in relation to their Faridabad Branch in terminating the services of Sh. Hari Singh, Messenger w.e.f. 25-3-85 is just, fair and legal? If not, what relief the worker concerned is entitled to and from what date?”

The case set up by the petitioner, in brief, in so far as relevant is that he had worked for 550 days from 25-5-1982 to March 1985 but the respondent management has terminated his services w.e.f. 25-3-85 without any reason. Levelling a variety of allegations against the management, according to the petitioner, the action of the management is in complete violation of the provisions of the Act, Sastry Award, Desai Award and Bipartite Settlement. On the footing of aforesaid pleadings the petitioner claimed his reinstatement with all other service benefits.

The management has contested the claim of the petitioner and filed the written statement, inter alia stoutly denying the allegations of the petitioner. That being so, the management prayed for the dismissal of the reference petition.

During the pendency of the present reference, the petitioner and the management has mutually settled the dispute. The rep. of the management in her recorded statement, stated that the appointment to the petitioner has been given on the understanding that he will withdraw the reference petition. The management has given him fresh appointment and he is peacefully working in the bank.

The representative of the petitioner has also made the statement that the petitioner has already been re-appointed on regular basis and is working with the management peacefully, so he does not want to prosecute the present reference which may be declined.

In this view of the matter and in view of the statement of the parties, since the matter had already been settled amicably between the parties and the management had already given the petitioner-reappointment, so no dispute remains to be resolved. Consequently reference petition is disposed of accordingly. The appropriate Govt. be informed.

M. S. SULLAR, Presiding Officer

Chandigarh.

1-3-1995.

नई दिल्ली, 22 मार्च, 1995

worker concerned is entitled to and from what date ?”

का. आ. 1059.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धन में संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-95 को प्राप्त हुआ था।

[संख्या एल-12012/139/89-आईआरबी-III/बी I]
पी. जे. माइकल, डेस्क अधिकारी

New Delhi, the 22nd March, 1995

S.O. 1059.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 16-3-95.

[No. L-12012/139/89-IRB-III/BI]

P. J. MICHAEL, Desk Officer
ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH.

Case No. I. D. 139/89

Ram Singh ... Vs. State Bank of India

For the workman : Shri P. P. Trikha

For the management: Ms. Sharmila Malkani

AWARD

Dated 1-3-1995

The brief facts relevant for the disposal of the present reference are that the services of Ram Singh ex-messenger were terminated by the respondent management w.e.f. 17-5-83. He has challenged his termination order by way of the present reference petition.

In the wake of industrial dispute raised by the workman, U/S 10(1)(d) of the Industrial Disputes Act 1947, (hereinafter to be referred as the Act), the Central Govt. vide letter No. L-12012/139/89-IR(B-3) dated 28th August 1989, has referred the following dispute to this Tribunal for adjudication.

“Whether the management of State Bank of India in relation to their Faridabad branch in terminating the services of Shri Ram Singh Ex-messenger w.e.f. 17-5-83 is just, fair and legal ? If not, to what relief the

The case set up by the petitioner, in brief, in so far as relevant is that he had worked for 322 days from 10-10-1981 to 16-5-1983 but the respondent management has terminated his services w.e.f. 17-5-1983 without any reason, Levelling a variety of allegations against management, according to the petitioner the action of the management is in complete violation of the provisions of the Act. Jastriy Award, Desai Award and Bipartite Settlement. On the footing of aforesaid pleadings, the petitioner claimed his reinstatement with all other service benefits.

The management has contested the claim of the petitioner and filed the written statement, interalia stoutly denying the allegations of the petitioner. That being so, the management prayed for the dismissal of the reference petition.

During the pendency of the present reference, the petitioner and the management has mutually settled the dispute. The rep. of the management in her recorded statement, stated that the appointment to the petitioner has been given on the understanding that he will withdraw the reference petition. The management has given him fresh appointment and he is peacefully working in the bank.

The representative of the petitioner has also made the statement that the petitioner has already been re-appointed on regular basis and is working with the management peacefully, so he does not want to prosecute the present references which may be declined.

In this view of the matter and in view of the statement of the parties, since the matter had already been settled amicably between the parties and the management had already given the petitioner-re-appointment, so no dispute remains to be resolved. Consequently reference petition is disposed of accordingly. The appropriate Govt. be informed.

Chandigarh.

1-3-1995

M. S. SULLAR, Presiding Officer

नई दिल्ली, 22 मार्च, 1995

का. आ. 1060.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धन में संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचवट को प्रकाशित करती है जो केन्द्रीय सरकार को 16-3-95 को प्राप्त हुआ था।

[संख्या एल - 12012/468/86-डी II (ए) बी I)]
पी. जे. माइकल, डेस्क अधिकारी

New Delhi, the 22nd March, 1995

S.O. 1060.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 16-3-95.

[No. L-12012/468/86-DII(A)|B.I]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH.

Case No. ID 48/87

Lachhman Dass Dogra Vs. State Bank of India

For the workman:—Shri J. G. Verma

For the management:—Shri Ajay Kohli

AWARD

Dated : 13-2-1995

The brief facts relevant for the disposal, of present reference petition are that petitioner Lachhman Das was working as guard at Dhaliara branch of State Bank of India. He sought retirement from bank's service on 31-3-8 and he moved an application for appointment of his son on compassionate grounds. The management demanded the proof age of the petitioner. The workman submitted duplicate copy of school leaving certificate. The same was not accepted by the bank. He has challenged the action of the management by way of this reference petition.

In the wake of industrial dispute raised by the workman, U/S 10(1)(d) of the Industrial Disputes Act 1947. (hereinafter to be referred as the Act), the Central Govt. vide letter No. L-12012/468/86-D. II(A) dated 8th July 1987 as referred the following dispute to this Tribunal for adjudication :

“Whether the management of State Bank of India is justified in not accepting the school leaving certificate produced by Shri Lachhman Dass Dogra concerning his date of birth i.e. 1-3-1929 and also refusing appointment to his son on compassionate ground as per banks scheme No. PBR 245 of 1982 ? If not, to what relief is the son Shri Lachhman Dass Dogra entitled and from what date ?”

The case set up by the petitioner in brief, in so far as relevant is that as per provisions of circular of the bank, an employee seeking retirement from bank's service before completing 55 years of age on medical ground is entitled to get one of his son appointed in the bank on compassionate ground. He has moved an application for appointment of his son Baldev Raj in the bank. The bank demanded the

proof of age of the petitioner and the petitioner submitted a duplicate copy of school leaving certificate showing his date of birth as 1st March 1929. It is alleged that the management did not admit the certificate and refused the appointment of his son Baldev Raj on the ground of cogent proof of age of the petitioner. According to the petitioner, although, he had not completed 55 years of age on 31-3-1983, when he sought retirement on medical ground, the management, refused to appoint his son on compassionate ground. On the footing of aforesaid pleadings, the workman has challenged the action of the management.

The management has contested the claim of the petitioner and filed the reply inter-alia pleading certain preliminary objection of maintainability of the reference petition. Pleaded case of the management, is that the petitioner was working as messenger and sought unconditionally voluntary retirement on medical ground on 31-3-1983. The management has denied the entitlement of appointment of his son, in pursuance of bank's policy as claimed by him. It was alleged that request of the petitioner for appointment of his son, was duly considered but was rejected as the petitioner was more than 55 years of age at the time of retirement as per record of the bank. It will not be out of place to mention here, that the management has stoutly denied the other allegations of the workman. That being so, the management prayed for the dismissal of the reference petition.

Controverting the allegations contained in the written statement and reiterating the stand taken in the claim statement, the workman filed the rejoinder.

At the outset, to my mind, it would be expedient in the interest of justice to mention here that the present reference was received in this Court on 21-7-1988. After the completion of pleadings and affidavit case was slated for evidence of the workman for 7-4-1988 by Shri M. K. Bansal, the then learned Presiding Officer vide his order dated 9-2-1988. Thereafter, the case was adjourned several times and ultimately, the representation of the workman has made the following statement on 29-1-1990 :—

“The workman has expired and I do not want to lead any evidence and close the same.”

In other words, the rep. of the workman, had neither filed any application for bringing on record LRs of the workman nor produced any evidence, in order to substantiate his plea. However the management, examined Shri S. K. Nanda Incharge staff Cell as MW1, who has tendered into evidence his affidavit Ex. M1 and Ex. M2 the copy of request to the workman, letter dated 16-11-1982 Ex. M3, Ex. M4 the scheme for appointment of dependents, Ex. M5, the copy of form of applications, Ex. M7 copy of memorandum dated 25-5-1984, Ex. M8, copy of letter dated 16-4-1984, Ex. M9 copy of performance of the workman, Ex. M10, copy of performance of Employees provident fund Ex-M11 copy of intimation of dependents. The workman got proved the letter dated 10-4-1985 Ex. W1, letter dated 4-5-1983 Ex. W2 and letter dated 3-7-1984 Ex. W3.

Thus, it would be seen that the workman has badly failed to substantiate his case, as to whether he was less than 55 years of age at the time of retirement, so as to entitle him the benefits of appointment of his son, in the bank on compassionate grounds, as contemplated in the impugned circular. On the other hand, the bare perusal of the affidavit Ex. M1 proved by S. K. Nanda MW1 would go to show that the petitioner had joined the bank's service of 9-4-1945 and according to official record his date of birth for all intents and purposes was recorded as 12-2-1928 and through out his entire service, the workman did not raise any objection to it. The petitioner is not entitled for the benefits under the impugned circular, in view of the un rebutted evidence produced on record by the management and in the absence of an iota of evidence by the workman, I have no hesitation to hold that there is no merit in the reference petition and the petitioner is not entitled for any benefits in the obtaining circumstances of the case. Faced with the situation, the rep. of the workman has made the following statement :—

"I am the authorised representative of the workman. The workman do not want to prosecute the reference petition which may be declined."

In the light of aforesaid reasons and in view of the statement of the representative of the workman, the reference petition is hereby declined. Appropriate Goal be informed accordingly.

Chandigarh.
13-2-1995

M. S. SULLAR, Presiding Officer

नई दिल्ली, 22 मार्च, 1995

का. आ. 1061—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धतंत्र के संवद नियोजकों और उनके कर्मकारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचवट को प्रकाशित करती है जो केन्द्रीय सरकार को 16-3-95 को प्राप्त हुआ था।

[संख्या एल-12012/198/89 - आईआर (बी III)/बी I]

पी. जे. माइकल, डेस्क अधिकारी

New Delhi, the 22nd March, 1995

S.O. 1061.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 16-3-95.

[No. L-12012/198/89-IR(B.III)] [BI]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL TRI-
BUNAL-CUM-LABOUR COURT, CHANDIGARH

CASE NO. I. D. 166/89

Kulbir Singh Vs. State Bank of India

For the Workman—Sh. J. G. Verma

For the management—Sh. Ashok Khullar

AWARD

Dated, the 3rd February, 1995

The brief facts relevant for the disposal of present reference are that petitioner has joined the service of the Respondent Bank as Clerk-cum-Cashier, in the year 1977. The Respondent Bank has ignored the claim of the petitioner for officiating in the higher capacity, which necessitated the raising of the present dispute.

In the wake of Industrial Dispute raised by the petitioner, U/S 10(1)(d) of the Industrial Disputes Act 1947, (hereinafter referred to as the Act) the Central Government vide its letter No. L-12012/198/89-IR(B-3) dated the 16th October, 1989 referred the following dispute for adjudication to this Tribunal.

"Whether the action of the management of State Bank of India represented through Regional Manager, Srinagar, in denying Sh. Kulbir clerk-cum-cashier his appointment to the post of Teller w.e.f. 6-9-1983 and (2) denying the officiating from 7-6-1985 to 22-7-85, 24-8-85 to 31-8-85, 25-9-85 to 28-9-85, 4-10-85, 21-10-85 to 16-11-85, 8-2-86 to 15-2-86, 22-3-86 to 1-4-86, 1-5-86 to 8-5-86, 21-6-86 to 9-7-86, 12-8-86 to 14-8-86, 21-9-86 to 23-9-86 and 27-9-86 to 30-9-86, is justified? If not to what relief the workman is entitled to?"

The case set up by the petitioner, in brief, in so far as relevant, is that he took active part in the Trade Union activities and was elected Secretary of the local Unit which was not liked by the Branch Manager. It is alleged that petitioner was charge-sheeted inter-alia alleging wilful slowing down in subordination etc. The management ordered to conduct the inquiry and same resulted in censured of the petitioner. According to the petitioner, in the garb of the Enquiry the management did not allow him officiation in higher capacity and the action of the management is violated of Para 5.21 Sastri Award.

On the footing of aforesaid pleadings, the petitioner prayed that he be promoted/appointed as teller and the action of the management be declared illegal and unjustified, with all the consequential benefits.

The management has contested the claim of the petitioner and filed the written statement inter-alia pleadings certain preliminary objections of the maintainability of the reference petition and objections regarding jurisdiction of this court, as according to the management petitioner has worked as an officer in supervisory cadre, therefore, he is not a 'workman'

and is not entitled to any remedy under the Act. According to the management petitioner, was promoted as an Officer JMG Scale-I w.e.f. 1-8-89. It is alleged that the petitioner was transferred to the State Bank of India, Kalchak for the job training, therefore, he is not entitled to any allowance, as claimed by him. It will not be out of place to mention here that the management has stoutly denied the pleadings of the petitioner. That being so, the management prayed for the dismissal of the reference petition.

At the out set to my mind it would be expedient in the interest of justice, to mention here that the petitioner has filed the present petition as back as on 19-10-1989. After completion of the pleadings the case was adjourned to 22-6-93 for filing the affidavit by the petitioner vide order dated 20-5-1993. Thereafter, many opportunities were granted to the petitioner to produce his evidence but he failed to do so. Ultimately the evidence of the petitioner was closed by Sh. Arvind Kumar, the then Ld. Presiding Officer vide his order dated 19-1-94 and passed the following orders.

"On the numerous dates the representative of the petitioner has not filed his affidavit. He has taken up the plea that the petitioner has not contacted him. In view of this the evidence of the petitioner is closed by the order of this court. To come up on 8-3-1994 for filing of the affidavit of the management."

On the other hand, the management in order to substantiate its stand, has tendered into evidence the letter dated 8-5-78 as Ex. M1.

Having heard the representative of the parties and having gone through the record of the case and after considering the matter deeply, to my mind, the petitioner has failed to substantiate his claim and the reference deserved to be declined.

As indicated earlier, according to the petition the management, with a view to justify their action charge sheeted him, inquiry was conducted and the same was result in censure of the workman. It is alleged that action of the management ignoring the petitioner for officiating in the higher capacity as Office JMG Scale-I is clear violation of para 529 of Sastri Award. On the other hand the management, has stoutly denied the same. The sole contention of the representative of the petitioner that officiation in higher capacity, is a legal right of the petitioner and its denial is violation of para 529 of the Sastri Award, is not only devoid merits but misplaced as well. 'Strictu Sensu' deserved to be ignored for more than one reasons. Firstly, Para 529 of the Sastri Award provides the mode of promotion and it is nowhere mentioned that every employee is entitled to officiate in the higher capacity, although he was censured, after a domestic Inquiry. As mentioned above even petitioner himself admitted in the Para 4 and 5 in the statement of claim that he was charge-sheeted inquiry was held and the same was resulted in his censure, what to talk of any other evidence, even petitioner himself failed to substantiate his allegations that how and when, by whom and in what manner he was victimised by the management. He failed to

turn up into witness box despite many opportunities which compelled the then Ld. Presiding Officer, to close his evidence by order of the Court.

Furthermore Rule 446 Governing the clerical staff of State Bank of India is as under :

"Officiating relief powers are not to be granted to the members of staff as a matter of routine without examining and necessity thereof vis-a-vis the work situation and the seniority/suitability of the concerned member of staff, for the job. Further, the relief powers can not be demanded as a matter of right. Officiating powers, therefore, should be given only when it is deer necessary."

Furthermore, Ex. M1 is the policy decision of the bank according, to which, an employee could be debarred from promotion when the disciplinary proceedings are in progress. Thus, it would be seen that bare perusal of rule 446 and policy decision Ex. M1 would go to show that petitioner, has neither any legal right of officiation which can be enforced in the present reference nor he has substantiated his claim by any evidence.

In the light of the aforesaid reasons, it is he that no fault can be found with the action of the management in denying the petitioner to his appointment to the post of Teller w.e.f. 6-9-83 and denying the officiating during the impugned period. The action of the management was justified in the obtaining circumstance of the case. Consequently there is no merit in the reference petition which is hereby declined and answered against the petitioner. The appropriate Govt. be informed accordingly. File be consigned to record room.

CHANDIGARH

Dated : 3-2-1995

M. S. SULLAR, Presiding Officer

नई दिल्ली, 28 मार्च, 1995

का.आ. 1062 .—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा 16-4-1995 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है (और अध्याय-5 और 6) धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है के उपबंध मध्य प्रदेश राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात् :—

"जिला भिंड की तहसील गोहद में राजमन्त्र ग्राम मुहांस, मुनारी, बिसवारी, एनो, पड़रौई, चक चन्दोखर, चंदोखर, रामकीपाली, जमरथ पुरा, पिपाहाडी, अमरपुर, नेहरा, फतेहपुर, श्यामपुर, जगन्नाथपुरा, कनीपुरा, लोघे की पाली, खनेता, चकखनेता, एंरणी, भोनपुरा, बीलोनी, बरोना, नागौर, एमनपुरा,

नीम डांडा, वकनासा, बम्होरा, वारा, चकवरोना, डेटोन, मानपुर, शेरपुर, रायलपुरा, शंकरपुर, कंचनपुर, नोनरा, घंरटा (एनो) मर्वा, चकमर्वा, खेरीयागयजू तुकेडा, चकतुकेडा, टूडीला, इकहारा, चामाधोपुर, गुरीवा, मिधवारी, मालनपुर घिरोंगी, तिलोरी, माहो, लहचुरा तथा मालनपुर और घिरोंग के सारे औद्योगिक क्षेत्र और अन्य घोषित औद्योगिक क्षेत्रों सहित”।

[संख्या एस-38013/21/95-एसएस-1]

जे.पी. शुक्ला, अवर सचिव

New Delhi, the 28th March, 1995

S.O. 1062.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th April, 1995 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Madhya Pradesh namely :—

“The areas comprising the revenue Villages of Suhnas, Sunari, Biswari, Ane, Padrai, Chack Chandokhar, Chandokhar, Ram Ki Pali, Jasrathpura, Pipahari, Amarpur, Tehra, Fatehpur, Shyampur, Jagannathpura, Kanipura, Lodha Ki Pali, Khaneta, Chak Khaneta, Indori, Bhonpura, Viloni, Barona Nagor, Amanpura, Neemdanda, Vaknasa, Vamhora, Wara, Chak Warona, Teton, Manpur, Sherpur, Rayalpur, Shankarpur, Kanchanpur, Nonera, Gharenta (Ano), Sarva, Chak Sarva, Kheriaraiju, Tukeda, Chak Tukeda, Tudila, Ikahara, Chak Madhopur, Gurikha, Sidhwari, Malanpur, Chirongi, Tilori, Maho, Lahchura including complete industrial area of Malanpur and Ghirongi and other areas declared Industrial Area in Tehsil Gohad Bhind District.”

[No. S-38013/21/95-SS. II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 28 मार्च 1995

का.आ. 1063.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. आई. आर. आर. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-3-95 को प्राप्त हुआ था।

[संख्या एन-42012/127/91-आई आर (डीयू)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 28th March, 1995

S.O. 1063.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of CIRB and their workmen, which was received by the Central Government on 21-3-95.

[No. L-42012/127/91-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDI-

GARH

Case No. I.D. 115/92

Ram Chander Vs. Central Institute for Research on Buffaloes

For the workman—Shri Darshan Singh

For the management—Shri Joginder Singh

AWARD

Dated 10-3-1995

The petitioner was employed as daily wages worker with the respondent management. His services were terminated by the management and he has challenged his termination by way of the present reference petition :

In the wake of Industrial dispute raised by the workman, under Section 10(1)(d) of the Industrial Disputes Act, the Central Govt. vide No. L-42012/127/91-IR (D.U.) dated 14/20-8-1992 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Shri Ram Chander w.e.f. Dec. 88 is justified ? If not, what relief the workman concerned is entitled to ?”

The reference petition was received and registered on 26-8-92 and notices were issued to the parties for 11-11-1992. After completion of the pleadings, the case was adjourned to 13-1-1995 for evidence of the workman vide order dated 16-12-1994 subject to Rs. 20 as cost. On 13-1-1995, again workman was not present for cross-examination. Another adjournment was requested and last opportunity was granted to the petitioner to conclude his entire evidence and the case was adjourned for today subject to Rs. 50 as cost. But today, neither the petitioner is present, for cross-examination, nor cost has been paid, nor any cogent explanation for the absence of the petitioner is forthcoming. Instead of producing

the petitioner in the witness box, and instead of paying the cost, representative of the petitioner has made the following statement :

"I am authorised representative of the petition. The petitioner is not interested in prosecuting the reference petition, as he is gainfully employed some where. I have no instructions even to pay the cost, so the reference petition be declined."

In this view of the matter and in view of the statement of the representative of the petitioner, since the petitioner is not interested in prosecuting the reference petition, as he is already gainfully employed, so no further dispute remains to be resolved in this reference petition. Consequently, the reference is hereby declined. Appropriate Govt. be informed.

Chandigarh

Camp Hissar.

10-3-1995

M. S. SULLAR, Presiding Officer

नई दिल्ली, 28 मार्च, 1995

का.आ. 1064.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कैंटीन स्टेट डिपार्टमेंट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-3-95 को प्राप्त हुआ था।

[संख्या एल-14012/5-90-आईआर (डीयू)]
के. वी. बी. उन्नी, हेम्क अधिकारी

New Delhi, the 28th March, 1995

S.O. 1064.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Canteen Store Deptt. and their workmen, which was received by the Central Government on 21-3-95.

[No. L-14012/5/90-IR(DU)]

K. V. B. UNNY, Desk Officer
ANNEXURE

BEFORE SHRI M. S. SULLAR PRESIDING
OFFICER CENTRAL GOVT. IND.
TRIBUNAL LABOUR COURT
CHANDIGARH

ID. NO. 125/90

BETWEEN

Sukhpal Singh.—The Manager, Govt. of India,
Min. of Defence Canteen Stores Deptt.
Bhatinda.

Ref. U/S 10(1) (d) of Ind. Disputes Act.

Present : Rep. of parties.

AWARD

The brief facts relevant for the disposal of the present reference petition are that the petitioner was employed in defence canteen Store department Bhatinda. His services were terminated by the management (Respondent) w.e.f. 6-2-1989. He has challenged his termination by way of present reference.

2. In the wake of industrial dispute raised by the petitioner under section 10(1) (d) of Ind. Disputes Act, 1947 (hereinafter referred to as the Act), the Central Govt. vide its letter No. L-14012/5/90 I.R. (D.U.) dated 24-9-90, has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of canteen Stores Deptt. Bhatinda Cantt in terminating the services of Sh. Sukhpal Singh w.e.f. 6-2-89 is justified? If not, what relief the concerned workman is entitled to and from what date?"

3. The case set up by the petitioner in brief in so far as relevant is that petitioner was employed with respondent as labourer on daily wages at the rate of Rs. 20/- per day. His services were terminated w.e.f. 6-2-89, without any notice, charge sheet, enquiry or compensation. According to the petitioner, his termination, without any notice or compensation, is illegal, unjustified and unfair labour practise, while the respondent has retained persons junior to him. On the footing of aforesaid pleadings, the petitioner claimed his reinstatement with full back wages and continuity of service.

4. The management has contested the claim of the petitioner and filed the written statement inter alia admitting that the petitioner was employed as a labourer on daily rated basis. The pleaded case of the management is that the petitioner was engaged on daily rate without being sponsored by the employment exchange to meet out the work of casual nature. He was engaged for 24 to 25 days in a month, with clear instructions that his services can be terminated at any time without assigning any reason and without any notice. According to the management, that on receipt of instructions from head office Bombay, services of those daily rated workers who are engaged without being sponsored by employment exchange were terminated. As per Government of India, Ministry of Personnel Public Grievances, dated 7-6-88, It will not be out of place to mention that management stoutly denied the other allegations of the petitioner in its written statement. That being so the management prayed for dismissal of the reference petition.

5. Controverting the allegations of management and reiterating his stand contained in the statement of claim, the petitioner filed the replication.

6. The petitioner in order to substantiate his claim himself appeared as WW1 who has tendered into evidence his affidavit Ex. W1 reiterating his claim.

7. The management in order to rebut the evidence brought on record by the petitioner examined Sh. S. P. Bhasin, Asstt. Manager, Canteen as MW1 who has tendered into evidence his affidavit as Ex. M1. The management has also produced office memo Ex. M2.

4. Having heard the Rep. of the parties, having gone through the evidence on record and after bestowal of thoughts on the entire matter, to my mind the reference petition deserves to be declined.

5. As indicated earlier, according to the petitioner, his termination without any notice or compensation is illegal. He has so stated in his affidavit Ex. W1. The petitioner while appearing as WW1 has categorically admitted that he was employed as casual worker. His name was not sponsored through employment exchange. On the other hand, according to management, the petitioner is not entitled to any relief, as he was a daily rated worker. However MW1 has admitted that petitioner had been working with the management from 28-6-86 to 6-2-1989.

6. The management in its affidavit has categorically reiterated that canteen store department is a department of the defence organisation, under the Ministry of Defence, Govt. of India, which is engaged in catering to defence personnel and is engaged in activity which is falling under the sovereign functions of the State, so the C.S.D. Department (respondent) is not an 'industry' and their employees are not governed by the provisions of the Act. So according to the management neither the petitioner is a workman nor the C.S.D. Canteen is an 'industry'.

7. Now the short and significant question, though important, arises for determination in this case is whether the management of Canteen Store deptt. is an 'industry' and the petitioner was a 'workman', as defined under the Act. The sole contention of the Rep. of the workman that since the management is selling various items to the army personnels and is doing business is an 'industry', is not only devoid of merit but misplaced as well. Section 2(s) of the Act defines 'industry' to mean any business, trade, undertaking, manufacturing or calling of employers and includes any calling, service, employment, handicraft, industrial occupation or vocation of workmen'. A bare perusal of definition of 'industry' would reveal that any business, trade, undertaking, manufacturing or calling of employer or workmen, is an industry and every human activity which indicates relationship of employer and employee, is not an 'industry'. 'Industry' is nexus between employer and employee and it is this relationship which brings two distinct bodies together to produce profit. In order to bring any management within the four corners of 'industry' nature of its activities are essential to be seen and the association of capital and labour must be direct and the work for which labour of workers is required must be productive and for a profit. Keeping in view the nature of work of canteen store, then to my mind, it cannot possibly be termed as 'industry', as admittedly the respondent management is a department of defence organisation, under the Ministry of Defence, Govt. of India and performing activities under the sovereign functions of the State. In my considered opinion, the functions performed by the respondent management are part of regal functions of the State

and it cannot possibly be termed as 'industry'. The Hon'ble Supreme Court of India in case of State of Bombay Vs. Hospital Mazdoor Sabha 1960(3) LLJ 251 has laid down a test and held that if a business or activity could not be carried on by a private individuals, it would not be an 'industry'. Applying this test on the functions of the respondent-management, to my mind, the functions performed by the management under the Ministry of Defence cannot possibly be performed by an individual. The functions performed by respondent management are sovereign, regal and inalienable functions of the State. So it is not industry because it is now well settled that if any management is performing sovereign and regal functions of the State, it will not fall within the four corners of definition of 'industry'. Reliance in this respect can be placed on Full Bench judgment of Punjab and Haryana High Court in State of Pb. Vs. Kuldip Singh. 1983 (1) LLJ 309 and Corporation of City Nagpur Vs. Its Employees. 1961 LLJ 523. The aforesaid judgments are complete answer to the problem in hand.

8. There is another aspect of the matter which can be viewed from another angle. According to section 2(s) of the Act: persons who are subject to Army Act, are not workman. Now the next question fall for determination in this case is whether the petitioner was a workman or not. A similar question as to whether 'cooks, chowkidars, laskers, barbers, carpenters, mechanics etc.' are subject to army Act/Rules or not, arose before Hon'ble Supreme Court of India in Case of Ous Kutlingal Achapen Naik Vs. U.O.I. AIR 1976 SC 1179. After interpreting different provisions of Army Act and Rules in relation to provisions of constitution the Hon'ble Supreme Court observed that employees who perform camp duties are also subject to the provisions of Army Act or Rules. The same view was again reiterated by Hon'ble Supreme Court of India in Gopal Upadhyya Vs. U.O.I. AIR 1987 S.C. 413 and it was observed that camp followers are subject to Army Act/Rules. The functions of the petitioner are also almost similar to that of camp followers who are declared subject to the Army Rules by the Hon'ble Supreme Court in the aforesaid two judgments. On the same analogy it has to be held that the petitioner who is performing the activities connected with sovereign and regal functions of the State is also subject to Army Rules and is not a workman as defined under section 2(s) of the Act. Reliance in this regard can also be placed on Division Bench judgment of Pb. & Hr. High Court in D. Chand and Others Vs. Director General Baroda Roadways, 1992 (5) SLR 760.

9. In this view of the matter and if the subject matter of present reference is perused in relation to law laid down by the Hon'ble Supreme Court, then to my mind, the conclusion is unescapable that neither the management of respondent is an 'industry' nor petitioner is a 'workman' as contemplated under the Act. He cannot claim any benefit under the provisions of the Act. Consequently there is no merit in this reference petition, which is hereby declined. Appropriate Govt. be informed.

Dated : 1-3-95.

M. S. SULLAR, Presiding Officer

नई दिल्ली, 28, मार्च, 1995

relief the concerned workman is entitled to and from what date ?

का.आ. 1065.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कैंटीन स्टोर डिपार्टमेंट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-3-95 को प्राप्त हुआ था।

[संख्या एल-14012/6/90—आईआर (डीयू)]
के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 28th March, 1995

S.O. 1065.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Canteen Store Deptt. and their workmen, which was received by the Central Government on 21-3-95.

[No. L-14012/6/90-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING
OFFICER, CENTRAL GOVT. IND. TRIBUNAL,
LABOUR COURT, CANDIGARH

I.D. NO. 126/90

BETWEEN :

Gurbakhs Singh, The Manager, Govt. of India,
Min. of Defence Canteen Stores Deptt.,
Bhatinda.

Ref. U/S 10(1)(d) of Ind. Disputes Act

PRESENT :

Rep. of parties.

AWARD

The brief facts relevant for the disposal of the present reference petition are that the petitioner was employed in Defence Canteen Store Department Bhatinda. His services were terminated by the management (Respondent) w.e.f. 6-2-1989. He has challenged his termination by way of present reference.

2. In the wake of industrial dispute raised by the petitioner under section 10(1)(d) of Ind. Disputes Act, 1947 (hereinafter referred to as the Act), the Central Govt. vide its letter No. L-14012/6/90 I.R. (D.U.) dated 24-9-90, has referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of canteen Stores Dept. Bhatinda Canteen terminating the services of Sh. Gurbakhs Singh w.e.f. 6-2-89 is justified ? If not, what

3. The case set up by the petitioner, in brief, in so far as relevant is that petitioner was employed with respondent as labourer on daily wages at the rate of Rs. 20/- per day. His services were terminated w.e.f. 6-2-89, without any notice, charge sheet enquiry or compensation. According to the petitioner, his termination, without any notice or compensation, is illegal, unjustified and unfair labour practise, while the respondent has retained persons junior to him. On the footing of aforesaid pleadings, the petitioner claimed his reinstatement with full back wages and continuity of service.

4. The management has contested the claim of the petitioner and filed the written statement inter alia admitting that the petitioner was employed as a labourer on daily rated basis. The pleaded case of the management is that the petitioner was engaged on daily rate without being sponsored by the employment exchange to meet out the work of casual nature. He was engaged for 24 to 25 days in a month, with clear instructions that his services can be terminated at any time without assigning any reason and without any notice. According to the management, that on receipt of instructions from head office Bombay, services of those daily rated workers who are engaged without being sponsored by employment exchange were terminated, as per Government of India, Ministry of Personnel Public Grievances, dated 7-6-88. It will not be out of place to mention that management stoutly denied the other allegations of the petitioner in its written statement. That being so the management prayed for dismissal of the reference petition.

5. Controverting the allegations of management and reiterating his stand contained in the statement of claim, the petitioner filed the replication.

6. The petitioner in order to substantiate his claim himself appeared as WW1 who has tendered into evidence his affidavit Ex. W1 reiterating his claim.

7. The management in order to rebut the evidence brought on record by the petitioner examined Sh. S. P. Bhasin Asstt. Manager, Canteen as MW1 who has tendered into evidence his affidavit as Ex. M1. The management has also produced office memo Ex. M2.

8. Having heard the Rep. of the parties, having gone through the evidence on record and after bestowal of thoughts on the entire matter, to my mind the reference petition deserves to be declined.

9. As indicated earlier, according to the petitioner, his termination without any notice or compensation is illegal. He has so stated in his affidavit Ex. W1. The petitioner while appearing as WW1 has categorically admitted that he was employed as casual worker. His name was not sponsored through employment exchange. On the other hand, according to management, the petitioner is not entitled to any relief, as he was a daily rated worker. However MW1 has admitted that petitioner had been working with the management from 27-6-86 to 6-2-89.

10. The management in its affidavit has categorically reiterated that canteen store department is a department of the defence organisation, under the Ministry of defence, Govt. of India; which is engaged in catering to defence personnel and is engaged in activity which is falling under the sovereign functions of the State, so the C.S.D. Department (respondent) is not an 'industry' and their employees are not governed by the provisions of the Act. So according to the management neither the petitioner is a workman nor the C.S.D. canteen is an 'industry'.

11. Now the short and significant question, though important, arises for determination in this case is whether the management of Canteen Store deptt is an 'industry' and the petitioner was a 'workman', as defined under the Act. The sole contention of the Rep. of the workman that since the management is selling various items to the army personnels and is doing business is an 'industry', is not only devoid of merit but misplaced as well. Section 2(s) of the Act defines 'industry' to mean any business, trade, undertaking, manufacturing or calling of employers and includes any calling, service, employment, handicraft, industrial occupation or vocation of 'workmen'. A bare perusal of definition of 'industry' would reveal that any business, trade, undertaking, manufacturing or calling of employer or workmen, is an industry and every human activity which indicates relationship of employer and employee, is not an 'industry'. 'Industry' is nexus between employer and employee and it is this relationship which brings two distinct bodies together to produce profit. In order to bring any management within the four corners of 'industry' nature of its activities are essential to be and the association of capital and labour must be direct and the work for which labour of workers is required must be productive and for a profit. Keeping in view the nature of work of canteen store, then to my mind, it cannot possibly be termed as 'industry', as admittedly the respondent management is a department of defence organisation, under the Ministry of Defence, Govt. of India and performing activities under the sovereign functions of the State. In my considered opinion, the functions performed by the respondent management are part of regal functions of the State and it cannot possibly be termed as 'industry'. The Hon'ble Supreme Court of India in case State of Bombay Vs. Hospital Mazdoor Sabha 1960(3) LLJ 251 has laid down a test and held that if a business or activity could not be carried on by a private individual or group of individuals, it would not be an 'industry'. Applying this test on the functions of the respondent management, to my mind, the functions performed by the management under the Ministry of Defence cannot possibly be performed by an individual. The functions performed by the respondent management are sovereign regal and inalienable functions of the State. So it is not industry because it is now well settled that if any management is performing sovereign and individual. The functions (3) ETAOINSHRDLU regal functions of the State, it will not fall within the four corners of definition of 'industry'. Reliance in this respect can be placed on Full Bench judgement of Punjab and Hariana High Court in State of Pb. Vs. Kuldin Singh, 1983 (1) LLJ 309 and Corporation of City Nagpur Vs.

Its Employees, 1961 LLJ 523. The aforesaid judgements are complete answer to the problem in hand.

12. There is another aspect of the matter which can be viewed from another angle. According to section 2(s) of the Act, persons who are subject to Army Act, are not workman. Now the next question fall for determination in his case is whether the petitioner was a workman or not. A similar question as to whether 'cooks, chowkidars, laskers, barbers, carpenters, mechanics etc' are subject to army Act, Rules or not, arose before Hon'ble Supreme Court of India in Case Ous Kutlingal Achapen Naik Vs. U.O.I. AIR 1976 SC 1179. After interpreting different provision of Army Act and Rules, in relation to provisions of constitution the Hon'ble Supreme Court observed that employees who perform camp duties are also subject to the provisions of Army Act or Rules. The same view was again reiterated by Hon'ble Supreme Court of India in Gopal Upadhyya Vs. U.O.I. AIR 1987 S.C. 413 and it was observed that camp followers are subject to Army Act Rules. The functions of the petitioner are also almost similar to that of camp followers who are declared subject to the Army Rules by the Hon'ble Supreme Court in the aforesaid two judgements. On the same analogy it has to be held that the petitioner who is performing the activities connected with sovereign and regal functions of the State is also subject to Army Rules and is not a workman as defined under section 2(s) of the Act. Reliance in this regard can also be placed on Division Bench judgment of Pb. & Hr. High Court in D. Chand and Others Vs. Director General Baroda Roadways, 1992 (5) SLR 760.

13 In this view of the matter and if the subject matter of present reference is perused in relation to law laid down by the Hon'ble Supreme Court, then to my mind, the conclusion is unescapable that neither the management of respondent is an 'industry' nor petitioner is a 'workman' as contemplated under the Act. He cannot claim any benefit under the provisions of the Act. Consequently there is no merit in this reference petition, which is hereby declined. Appropriate Govt. be informed.

Dated : 1-3-95

M. S. SULLAR, Presiding Officer

नई दिल्ली, 28 मार्च, 1995

का.आ. 1066 --औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कैंटीन स्टोर डिपार्टमेंट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-3-95 को प्राप्त हुआ था।

[संख्या एल-14012/7/90-आईआर(डीयू)]

के० बी० बी० उन्नी, डैस्क अधिकारी

New Delhi, the 28th March, 1995

S.O. 1066.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Canteen Store Department and their workmen, which was received by the Central Government on 21-3-1995.

[No. L-14012/7/90-IR(DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING
OFFICER

CENTRAL GOVT. IND. TRIBUNAL-LABOUR
COUR CHANDIGARH
ID NO. 127/90

BETWEEN

Wadhawa Singh : The Manager, Govt. of India,
Ministry of Defence,
Canteen Stores Department,
Bhatinda.

Ref. U/S 10(1)(d) of Ind. Disputes Act.

PRESENT :

Rep. of parties.

AWARD

The brief facts relevant for the disposal of the present reference petition are that the petitioner was employed in Defence Canteen Store Department, Bhatinda. His services were terminated by the management (Respondent) w.e.f. 6-2-1989. He has challenged his termination by way of present reference.

2. In the wake of industrial dispute raised by the petitioner under section 10(1)(d) of Industrial Disputes Act, 1947 (hereinafter referred to as the Act), the Central Government vide its letter No. L-14012/7/90 I.R.(DU) dated 24-9-90, has referred the following dispute for adjudication to this Tribunal :

'Whether the action of the management of Canteen Stores Department Bhatinda Cantt. in terminating the services of Sh. Wadhawa Singh w.e.f. 6-2-89 is justified? If not, what relief the concerned workman is entitled to and from what date?'

3. The case set up by the petitioner in brief in so far as relevant is that petitioner was employed with respondent as labourer on daily wages at the rate of Rs. 20 per day. His services were terminated w.e.f. 6-2-89, without any notice, charge sheet, enquiry or compensation. According to the petitioner, his termination, without any notice or compensation, is illegal, unjustified and unfair labour practice, while the respondent has retained persons junior to him. On the footing of aforesaid pleadings, the petitioner claimed his reinstatement with full back wages and continuity of service.

4. The management has contested the claim of the petitioner and filed the written statement inter alia admitting that the petitioner was employed as a labourer on daily rated basis. The pleaded case of the management is that the petitioner was engaged on daily rate without being sponsored by the employment exchange to meet out the work of casual nature. He was engaged for 24 to 25 days in a month, with clear instructions that his services can be terminated at any time without assigning any reason and without any notice. According to the management, that on receipt of instructions from head office Bombay, services of those daily rated workers who are engaged without being sponsored by employment exchange were terminated, as per Government of India, Ministry of Personnel Public Grievances, dated 7-6-88. It will not be out of place to mention that management stoutly denied the other allegations of the petitioner in its written statement. That being so the management prayed for dismissal of the reference petition.

5. Controverting the allegations of management and reiterating his stand contained in the statement of claim, the petitioner filed the replication.

6. The petitioner in order to substantiate his claim himself appeared as WW1 who has tendered into evidence his affidavit Ex. W1 reiterating his claim.

7. The management in order to rebut the evidence brought on record by the petitioner examined Sh. S. P. Bhasin, Asstt. Manager, Canteen as MW1 who has tendered into evidence his affidavit as Ex. M1. The management has also produced office memo Ex. M2.

8. Having heard the Rep. of the parties, having gone through the evidence on record and after bestowal of thoughts on the entire matter, to my mind the reference petition deserves to be declined.

9. As indicated earlier, according to the petitioner, his termination without any notice or compensation is illegal. He has so stated in his affidavit Ex. W1. The petitioner while appearing as WW1 has categorically admitted that he was employed as casual worker. His name was not sponsored through employment exchange. On the other hand, according to management, the petitioner is not entitled to any relief, as he was a daily rated worker. However MW1 has admitted that petitioner had been working with the management from 22-7-86 to 6-2-1989.

10. The management in its affidavit has categorically reiterated that canteen store department is a department of the defence organisation, under the Ministry of Defence, Government of India, which is engaged in catering to defence personnel and is engaged in activity which is falling under the sovereign functions of the State, so the C.S.D. Department (respondent) is not an 'industry' and their employees are not governed by the provisions of the Act. So according to the management neither the petitioner is a workman nor the C.S.D. canteen is an industry.

Now the short and significant question, though important, arises for determination in this case is whether the management of Canteen Store Deptt. is an 'industry' and the petitioner was a 'workman'. as

defined under the Act. The sole contention of the Rep. of the workman that since the management is selling various items to the army personnels and is doing business is an 'industry', is not only devoid of merit but misplaced as well. Section 2(s) of the Act defines 'industry' to mean any business, trade, undertaking, manufacturing or calling of employers and includes any calling, service, employment, handicraft, industrial occupation or vocation of workmen'. A bare perusal of definition of 'industry' would reveal that any business trade undertaking manufacturing or calling of employer or workmen, is an industry and every human activity which indicates relationship of employer and employee, is not an 'industry'. 'Industry' is a nexus between employer and employee and it is this relationship which brings two distinct bodies together to produce profit. In order to bring any management within the four corners of 'industry' nature of its activities are essential to be seen and association of capital and labour must be direct and the work for which labour of workers is required must be productive and for a profit. Keeping in view the nature of work of canteen store, then to my mind, it cannot possibly be termed as 'industry', as admittedly the respondent management is a department of defence organisation, under the Ministry of Defence, Government of India and performing activities under the sovereign functions of the State. In my considered opinion, the functions performed by the respondent management are part of regal functions of the State and it cannot possibly be termed as 'industry'. The Hon'ble Supreme Court of India in case State of Bombay Vs. Hospital Mazdoor Sabha (1960(3) LLJ 251 has laid down a test and held that if a business or activity could not be carried on by a private individual or group of individuals, it would not be an 'industry'. Applying this test on the functions of the respondent management, to my mind, the functions performed by the management under the Ministry of Defence cannot possibly be performed by an individual. The functions performed by respondent management are sovereign, regal and inalienable functions of the State. So it is not industry because it is now well settled that if any management is performing sovereign and regal functions of the State, it will not fall within the four corners of definition of 'industry'. Reliance in this respect can be placed on Full Bench judgment of Punjab and Haryana High Court in State of Punjab Vs. Kuldeep Singh, 1983 (1) LLJ 309 and Corporation of City Nagpur Vs. Its Employees, 1961 LLJ 523. The aforesaid judgments are complete answer to problem in hand.

11. There is another aspect of the matter which can be viewed from another angle. According to section 2(s) of the Act; persons who are subject to Army Act, are not workman. Now the next question fall for determination in this case is whether the petitioner was a workman or not. A similar question as to whether 'cooks, chowkidars, laskers, barbers, carpenters, mechanics etc.' are subject to army Act/Rules or not, arose before Hon'ble Supreme Court of India in Case Ous Kutlingal Achapen Naik Vs. U.O.I. AIR 1976 SC 1179. After interpreting different provisions of Army Act and Rules in relation to provisions of constitution the Hon'ble Supreme Court observed that employees who perform camp duties are also subject to the provisions of Army Act or Rules. The same view was again reiterated by Hon'ble Supreme Court

of India in Gopal Upadhyya Vs. U.O.I. AIR 1987 S.C. 413 and it was observed that camp followers are subject to Army Act/Rules. The functions of the petitioner are also almost similar to that of camp follower who are declared subject to the Army Rules by the Hon'ble Supreme Court in the aforesaid two judgments. On the same analogy it has to be held that the petitioner who is performing the activities connected with sovereign and regal functions of the State is also subject to Army Rules and is not a workman as defined under section 2(s) of the Act. Reliance in this regard can also be placed on Division Bench judgment of Punjab & Haryana High Court in D. Chand and Others Vs. Director General Baroda Roadways, 1992 (5) SLR 760.

12. In this view of the matter and if the subject matter of present reference is pursued in relation to law laid down by the Hon'ble Supreme Court, then to my mind, the conclusion is unescapable that neither the management of respondent is an 'industry' nor petitioner is a 'workman' as contemplated under the Act. He cannot claim any benefit under the provisions of the Act. Consequently there is no merit in this reference petition, which is hereby declined. Appropriate Government be informed.

Dated 1-3-1995.

M. S. SULLAR, Presiding Officer

नई दिल्ली, 28 मार्च, 1995

का.आ. 1067.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीआईआरबी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-3-95 को प्राप्त हुआ था।

[संख्या एल-42012/131/91-आईआरओ (डीयू)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 28th March, 1995

S.O. 1067.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of CIRB and their workmen, which was received by the Central Government on 21-3-95.

[No. L-42012/131/91-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE HHRI M. S. SULLAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH.

Case No. I. D. 93 of 1992

Ram Chander Vs. Central Institute for Research on Buffaloes.

For the workman:—Shri Darshan Singh

For the management:—Shri Joginder Singh

AWARD

Dated 10-3-1995

The petitioner was employed as daily wages worker with the respondent management. His services were terminated by the management and he has challenged his termination by way of the present reference petition :

In the wake of Industrial dispute raised by the workman, under Section 10(1)(d) of the Industrial Disputes Act, the Central Govt. vide No. L-42012/131/91-IR(D.U.) dated 14-8-1992 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Shri Ram Chander w.e.f. 31-3-1991 is justified ? If not, what relief the workman concerned is entitled to?”

The reference petition was received and registered on 19-8-1992 and notices were issued to the parties for 11-11-1992. After completion of the pleadings, the case was adjourned to 13-1-1995 for evidence of the workman vide order dated 16-12-1994 subject to Rs. 20 as cost. On 13-1-1995, again workman was not present for cross-examination. Another adjournment was requested and last opportunity was granted to the petitioner to conclude his entire evidence and the case was adjourned for today subject to Rs. 50 as cost. But today, neither the petitioner is present, for cross-examination, nor cost has been paid, nor any cogent explanation for the absence of the petitioner is forthcoming. Instead of producing the petitioner in the witness box, and instead of paying the cost, representative of the petitioner has made the following statement :

“I am authorised representative of the petition. The petitioner is not interested in prosecuting the reference petition, as he is gainfully employed some where. I have no instructions even to pay the cost, so the reference petition be declined?”

In this view of the matter and in view of the statement of the representative of the petitioner, since the petitioner is not interested in prosecuting the reference petition, as he is already gainfully employed, so no further dispute remains to be resolved this reference petition. Consequently, the reference is hereby declined. Appropriate Govt. be informed.

Chandigarh

Camp Hissar.

10-3-1995

M. S. SULLAR, Presiding Officer

नई दिल्ली, 28 मार्च 1995

का.आ. 1068.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. आई. आर. बी. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-3-95 को प्राप्त हुआ था।

[संख्या एल-42012/115/91-आई आर (डी यू)]

के. बी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 28th March, 1995

S.O. 1068.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of CIRB and their workmen, which was received by the Central Government on 21-3-95.

[No. L-42012/115/91-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE HHRI M. S. SULLAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH.

Case No. I. D. 103 of 1992

Phuman Singh Vs. Central Institute for Research on Buffaloes.

For the workman:—Shri Darshan Singh

For the management:—Shri Joginder Singh

AWARD

Dated 10-3-1995

The petitioner was employed as daily wages worker with the respondent management. His services were terminated by the management and he has challenged his termination by way of the present reference petition :

In the wake of Industrial dispute raised by the workman, under Section 10(1)(d) of the Industrial Disputes Act, the Central Govt. vide No. L-42012/115/91-IR(D.U.) dated 14/20-8-1992 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Institute for Research on Buffaloes, Hissar in terminating the services of Shri Phuman Singh w.e.f. June 1990 is

justified? If not, what relief the workman concerned is entitled to?"

The reference petition was received and registered on 26-8-1992 and notices were issued to the parties for 11-11-1992. After completion of the pleadings, the case was adjourned to 13-1-1995 for evidence of the workman vide order dated 16-12-1994 subject to Rs. 20 as cost. On 13-1-1995, again workman was not present for cross-examination. Another adjournment was requested and last opportunity was granted to the petitioner to conclude his entire evidence and the case was adjourned for today subject to Rs. 50/- as cost. But today, neither the petitioner is present, for cross-examination, nor cost has been paid, nor any cogent explanation for the absence if the petitioner is forthcoming. Instead of producing the petitioner in the witness box, and instead of paying the cost, representative of the petitioner has made the following statement :

"I am authorised representative of the petition. The petitioner is not interested in prosecuting the reference petition, as he is gainfully employed some where. I have no instructions even to pay the cost, so the reference petition be declined?"

In this view of the matter and in view of the statement of the representative of the petitioner, since the petitioner is not interested in prosecuting the reference petition, as he is already gainfully employed, so no further dispute remains to be resolved this reference petition. Consequently, the reference is hereby declined. Appropriate Govt. be informed.

Chandigarh

Camp Hissar.

10-3-1995

M. S. SULLAR, Presiding Officer

नई दिल्ली, 3 अप्रैल, 1995

का.आ. 1069 .—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (६) के उपखंड (6) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 2700 दिनांक 26 सितम्बर, 1994 द्वारा युरेनियम उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 30 अक्टूबर, 1994 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (६) के उपखंड (6) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त

उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 30 अप्रैल, 1995 से छह मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/10/85-डीआई(ए)]

एस. एस. पाराशर, अवसर सचिव

New Delhi, the 3rd April, 1995

S.O. 1069.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O No. 2700 date 26th September, 1994, the Uranium Industry to be a public utility service for the purpose of the said Act, for a period of six months, from the 30th October, 1994;

And, whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 30th April, 1995.

[No. S-11017/10/85-D.I(A)]
S. S. PRASHER, Under Secy.

नई दिल्ली, 4 अप्रैल, 1995

का.आ. 1070 .—कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 5-ब की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, श्री एच. डब्ल्यू. टी. सियम, भारतीय प्र. सेवा (1967-आसाम) को श्री के. एस. शर्मा के स्थान पर कार्यभार संभालने की तिथि से पांच वर्ष के लिए अथवा पुनरावेश होने तक केन्द्रीय भविष्य निधि आयुक्त नियुक्त करती है।

[सं. ए-12026/3/93-एस. एस-1]

जे. पी. शुक्ला, अवसर सचिव

New Delhi, the 4th April, 1995

S.O. 1070.—In exercise of the powers conferred by Sub-Section (i) of Section 5-D of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby appoints Shri H.W.T. Syiem, IAS (AM : 67) as the Central Provident Fund Commissioner vice Shri K. S. Sarma for a period of five years with effect from the date he assumes the charge of the post or until further orders.

[No. A-12026/3/93-SS-I]
J. P. SHUKLA, Under Secy.

शुद्धि-पत्र

CORRIGENDUM

नई दिल्ली, 7 अप्रैल, 1995

New Delhi, the 7th April, 1995

का.आ. 1071.—भारत के राजपत्र के भाग II, खंड 3, उपखंड (ii) में दिनांक 5 नवंबर 1994 को प्रकाशित श्रम मंत्रालय की अंग्रेजी भाषा वाली अधिसूचना संख्या का.आ. 3132 दिनांक 21 अक्टूबर, 1994 की तीसरी पंक्ति के शब्द “जैसे” से पूर्व शब्द “केन्द्रीय सरकार एतद्वारा 1 नवंबर, 1994 को नियुक्त करती है” शामिल किया जाए।

S.O. 1071.—In the Notification of the Ministry of Labour No. S.O. 3132 dated the 21st October, 1994 published at page 4832 of the Gazette of India, Part II, Section (3), Sub-Section (ii) dated the 5th November, 1994 in the third line before the word “as” the words “the Central Government hereby appoints the 1st November, 1994” shall be inserted.

[सं एस-38013/14/94-एस.एस-I]

जे. पी. शुक्ला, अवसर सचिव

[No. S-38013/14/94-SS.I]
J. P. SHUKLA, Under Secy.

